(743) XIV/392

Acts of the governor general of India in council 1840-1844 with index.

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ACT No. I. OF 1840.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th January, 1840.

An Act for regulating the Procedure on Trials referred to the Court of Foujdaree Udalut at Madras.

I. Whereas the dispensing with a Futwa, in cases referred to the Court of Foujdaree Udalut at Madras, will be attended with great convenience; and the Futwa may be dispensed with in that Court, without altering or impairing the authority of the Mahometan Law:—It is, therefore, hereby enacted, that in Trials referred to the said Court of Foujdaree Udalut at Madras, that Court shall not be required to take a Futwa from their Law Officers. Provided always, that nothing in this Act contained shall authorize the said Court to dispense with the Mahometan Law in any case, which, before the passing of this Act, would have been determinable according to that law by the said Court.

ACT No. II. OF 1840.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th February, 1840.

An Act for regulating the execution of sentences of imprisonment passed by Courts Martial in certain cases.

I. It is hereby declared and enacted, that whenever under Act No. XXIII. of 1839, any sentence of a Court Martial shall adjudge imprisonment, or imprisonment with labor, for any offence, it shall be the duty of every Judge, Magistrate, Sheriff or other officer in charge of any Gaol, to give effect to such sentence on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Garrison, Regiment or Detachment, as the case may be, to which the offender belongs.

ACT No. III. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 17th February, 1840.

For the Incorporation of a Bank at Bombay.

WHEREAS the Hon'ble Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the Affairs of India, have sanctioned the Establishment of a Bank at Bombay on the same principles as were prescribed for and have been observed in the re-incorporation of the Bank of Bengal, by Act No. VI. of 1839: and whereas the said Court of Directors have directed the body of Proprietors in existence at the date of the dispatch which contained the said sanction for the incorporation of a Bank of Bombay to be the Proprietors in whose favor the Act of Incorporation is to be passed:—

It is therefore hereby enacted, that from the 1st day of April next ensuing, in the year of our Lord 1840, the persons whose names are included in the Schedule hereunto annexed, provided that they, with the Government of Bombay on the part of the East India Company, have paid up the amount of Capital Stock subscribed by them respectively, or such of them as have so paid up their subscriptions shall, together with the Governor in Council for the time being of the Island and Presidency of Bombay, be a corporation, body corporate and politic, by name of the Bank of Bombay, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided however that it shall be lawful for the Governor General of India in Council, at any time before the 1st May next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Bombay, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall in amount not be less than Fifty Lakhs of Rupees, nor, unless increased as hereinunder provided, more than Fifty-six Lakhs, whereof Three Lakhs of Rupees shall be the property of the Governor in Council of Bombay, and the persons whose names are in the Schedule hereunto annexed, shall, provided that the amount of Stock subscribed for by them, be paid up on or before the 1st April next, be Proprietors of the Shares of the said Capital Stock set against their names respectively, together with any further persons whose claims shall be admitted before the 1st May next, on their paying up the Stock to which they may be so admitted upon or before the

the said 1st May next. And if any of the Proprietors named in the said Schedule shall not have duly paid up in full the amount of Capital Stock to which he or they are entitled, the shares of such Stock that may be so unpaid, (provided that the total amount that may so lapse do not reduce the Capital Stock of the Bank below the sum of Fifty Lakhs of Rupees,) shall be cancelled. And if the lapsed shares cause the aggregate of the Capital Stock to be less than Fifty Lakhs of Rupees, then so much Stock as may be necessary to complete that sum, shall be sold by Public Auction in Lots of One Thousand Rupees, on such date not being later than the 1st of May next, as may be fixed by the Governor in Council of Bombay, and the amount realized at such sale, after making good the Capital Stock, shall be passed to credit as a profit at the disposal of the Bank.

III. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Government Gazettes of Calcutta and of Bombay, to authorise the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital, as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank of proportion of new Stock to which they may respectively be entitled; and also to make such order and direction as to him the said Governor General in Council may seem fit, for the disposal of the amount of new Stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

IV. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall be divided into shares of One Thousand Rupees each, which shall be numbered accordingly, and three hundred of the said shares numbered from No. 1 to 300 shall be the property of the Governor in Council of Bombay, and the remainder shall be the property of the Proprietors who may pay up the same, and no separate interest or share in the Stock of the said Bank of less amount than One Thousand Rupees shall be created or held by any Proprietor, and if at any time the Capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into shares of One Thousand Rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than One Thousand Rupees.

V. And it is hereby enacted, that on the said 1st day of April 1840, or on some early day after that date, the Governor in Council of Bombay shall notify in the Official Gazette of that Presidency, that the Government share of the Capital Stock of the Bank of Bombay has been paid up, and shall publish in the said Gazette a list of the Proprietors by whom the shares of the said Capital Stock subscribed for by them respectively have been paid, and the Bank of Bombay being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act; and the said Bank shall and may sue, and be sued, by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VI. And it is hereby enacted, that payment of the amount of subscriptions to the Capital Stock shall be made to the Sub-Treasurer of the Government of Bombay for the time being, who will grant receipts for the same, and hold the amount as a deposit in the Treasury until the publication by the Governor in Council of Bombay of the notification prescribed in Section V. of this Act, when he will deliver the amount so subscribed to the Directors of the Bank to be appointed as hereinafter provided.

VII.

VII. And it is hereby enacted, that after the said delivery of the amount of Capital Stock to the Directors of the Bank, the receipts granted by the Sub-Treasurer of the Government of Bombay, in the manner provided in Section VI. of this Act, shall be canceled, and a certificate, signed by three Directors of the Bank of Bombay, shall be delivered to each Proprietor, and any person who is a Proprietor of more than one share of the Capital Stock may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

VIII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of One Lakh and Sixty Thousand Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank under the authority of the Governor General in Council, in the manner prescribed in Section III. of this Act; in which case any Proprietor holding Stock to the full amount of One Lakh and Sixty Thousand Rupees shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion, and excepting any addition to his interest in the said Capital Stock arises from succession, bequest or marriage.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the certificates thereof respectively, under the hand of the Proprietor or Proprietors, or his, her, or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made; provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bombay, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said Corporate body of the Bank of Bombay shall consist and be composed of the Registered Proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor in Council of Bombay and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removable by vote of the majority of a General Meeting of the said Proprietors.

XII. And it is hereby enacted, that the first Directors of the said Bank of Bombay shall be such three persons as may be appointed by the Governor in Council of Bombay to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule annexed to this Act, and who, being entitled to not less than twelve shares or Twelve Thousand Rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held in the Town Hall of Bombay, at such time as the Governor in Council of Bombay may fix by public Notification in the Official Gazette of that Presidency; and the election shall be made by the persons who according to the Schedule hereunto annexed may be entitled to shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, as if they were Proprietors to all intents and purposes of the shares for which they are entitled to subscribe, and the Directors so appointed shall appoint Officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation; and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established

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edaccording to the number of votes; the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XIII. And it is hereby enacted, that two of the six Directors elected as provided in Section XII. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead; provided always that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Bombay for more than three months, or disqualification under Section XV. or removal as aforesaid of any Directors elected as provided in Section XII. or to be elected by the Proprietors after the incorporation of the Bank of Bombay, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the same place in rotation above mentioned in which the late Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right and unincumbered of twelve shares of 12,000 Rupees of the Capital Stock of the Bank of Bombay; or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Island of Bombay.

XVI. And it is hereby enacted, that at a General Meeting of the Proprietors every election, and other matter in question, shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase, or otherwise, than by the act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:

The Proprietor of 4 Shares of 1,000 Rs. shall be entitled to						1	vote.
20	,,	,,	,,	,,	,,	2	,,
40	,,	,,	,,	,,	,,	3	,,
60	,,	,,	,,	,,	,,	4	,,
80	,,	,,	,,	,,	,,	5	,,
120	,,	,,	,,	,,	,,	6	,,
160	,,	,,	,,	,,	,,	7	,,

and no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Bombay may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting, may give a proxy in writing, either general or special, under his, her, or their hand, or the hand, of his, her, or their Attorney duly authorized, to any other Proprietor, and that such proxy shall be produced at the time

time of voting, and that such proxy shall entitle the person to whom it is given, to vote on such matter or matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year, they shall choose a President from among themselves, and if the office of President shall become vacant, they shall, at their next Meeting, choose a successor for the remainder of the current year; and that during any vacancy, or in the absence of the President, the senior Director shall be Vice President for the time, and that such President or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the cash notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not, in any one year, exceed 60,000 Rupees, without authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the Office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Bombay, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty, in the sum of Fifty Thousand Rupees.

XXV. And it is hereby enacted, that the said Bank of Bombay shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say:

1st. The discounting of Negotiable Securities.

2d. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the credit of Constituents of the Bank.

3d. Buying and selling of Bills of Exchange payable in India.

4th. The lending of Money on short loans.

5th. The buying and selling of Bullion.

6th.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no loan, unless the amount of Cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months; and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage, or in any other manner on the Security of any Lands, Houses, or immovable Property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual, or partnership firm, either by way of discount, loan, or in any other manner,—(saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned,) beyond the amount of Three Lakhs of Company's Rupees; Provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the clause next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bombay, or on deposit of Goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lakhs and a half of Company's Rupees, provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from individuals, and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this clause.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not suffer any person or persons, or body corporate keeping Cash with the said Bank of Bombay, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bombay may issue Promissory Notes payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such Notes in circulation at any one time shall not exceed Two Crores of Rupees, and provided also that no such Note shall be for a smaller amount than Ten Rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill or other instrument containing any promise, undertaking, or order, for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bombay to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Bombay, and that the Governor in Council of Bombay shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half-yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank, on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation shall, upon being audited and admitted by the said Directors, be paid out of the funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors; and provided that the said Directors shall have power, when they see fit, to set apart from such profits, a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the Official Gazette of Bombay.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bombay, with the sanction of the Governor in Council of Bombay, to establish Branch Banks at such places, and under such rules and restrictions, as shall be determined by the Proprietors at their General Meetings; provided however that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Bombay, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of cash to meet the

the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bombay by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the Share or Shares of such Proprietor registered as his or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her constituted Agent, or by public advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of April which will be in the year of our Lord 1847, and shall thereafter continue in like manner until duly dissolved or modified; provided however, that after the said 1st day of April 1847, the said Bank shall not, except upon the application or by the consent of the said Bank, be dissolved, or anywise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being, of such intended dissolution or modification. Provided also, that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE of the Names of the Shareholders in the Bank of Bombay.

Ayrton, F.	14	Brought forward	402
Atkinson, Hugh,	5	Brooks, Colonel, G. B.	9
Ashburner, Luke	75	Barr, Colonel D.	20
Ashburner, George	75	Barr, H. J.	3
Anderson, C. W.	23	Barr, J. T.	2
Aganoor, James,	1	Byramjee Muncherjee,	1
Arnott. F. S.	1	Bonamy, Captain J.	23
Allan, Wm.	9	Borradaile, H.	23
Asponkerjee Dossaboy,	1	Barretto, Joao	1
Atmaram Kesson Bhandaree,	20	Beck, W. W.	1
Aga Mahomed Currim	9	Ball, H.	2
Aga Mahomed Rahim Serazee,	23	Bocarro, J. J.	1
Anundrow Vencajee,	5	Bird, James,	14
Ardaseer Hormusjee Santook,	1	Bruce, W. C.	9
Anundrow Ragoonathjee,	2	Brown. F. C.	9
Anundro Gunput Senoy,	2	Burt, Thomas William.	14
Ardaseer Framjee Dawar,	5	Burjojee Manockjee Chenae,	2
Ardaseer Byramjee Fuckerjee,	2	Bappoo Ragoonath Josey,	3
Bagnold, Colonel, M. E.	20	Bhasker, Sunderjee,	2
Bax, John	11	Byramjee Dadabhoy Cursetjilah,	3
Brown, F. C	23	Byramjee, Solabjee Guzdeer,	9
Bainbridge, J. H.	75	Buchoobhoy Merwanjee,	3
Carried forward	402	Carried forward	556

Bowany

Brought forward,	550
Bowany Sunker Ramsord Senoy,	2
Bomanjee Muncherjee Guzurat,	2
Bhimjee Dhunjee Woomrigur,	9
Canjee Chatoor,	14
Cowasjee Manikjee,	1
Church, W.	60
Cowasjee Narrabhoy	5
Cogan, Captain R.	20
Caldecott, John,	10
Clibborn, Capt. Thomas,	5
Coghlan, W.	9
Cardwell, Thomas,	10
Collett, L. A.	9
Cursetjee Ardaseer,	75
Cursetjee Ardaseer, Trustee to his Daughter,	75
Cursetjee Cowasjee Banajee,	50
Cowasjee Manookjee Billiah,	1
Cowasjee Mahookjee Bhaudoop,	75
Cursetjee Cowasjee Bhadoop,	50
Cowasjee Hormusjee Mama,	5
Cursetjee Dorabjee,	2
Cursetjee Rustomjee,	2
Campbell, Major Neil,	9
Cowasjee Dhunjee,	2
Cursetjee Nasserwanjee,	7
Chedanund Dennsejee,	1
Cowasjee Eduljee Mody,	5
Cristnath Narronjee,	9
Cowasjee Framjee,	5
Dickenson, Colonel,	23
Dadaboy Rutunjee,	4
Dinshaw Nanabhoy Damon,	5
Davies, J. M.	5
Doveton, Bazett,	18
Dhunjeebhoy Cursetjee,	5
Davidson, F. M.	20
Dossabhoy Framjee Mama,	5
Dinshaw Furdonjee,	9
De Silva, Mariana,	1
De Jesus, Manoel,	5
Don, James,	9
Deos Remedies Ignacio,	2
Dorabjee Muncherjee,	3
Dossabhoy Merwanjee,	5
Dossabhoy Cursetjee Wadia,	5
Dossabhoy Jamsetjee,	5
De Silla, Pascoal M.	10
Dossabhoy Sorabjee Moonshee,	9
Dossabhoy Jamsetjee Wadia,	5
Dent, C. R.	9
Denhaw Hurmusjee Patell,	2
Dhunjeeboy Merwanjee Wadia,	5
Davidson, Duncan,	2
Carried forward,	1245

Brought forward,	1245
Dedshaw Rustomjee,	3
Denshaw Dadabhoy Gandee,	1
Daughters, 6, of Framjee Cowasjee,	27
Dadabhoy Pestonjee,	75
Egan, J. B.	9
Elliott, A. W.	2
Eisdale, D. A.	8
Elliott, G. L.	9
Earle, Captain E. M.	1
Ennis, Capt. E. M.	1
Edmond, Wm.	18
Eduljee Framjee Coranee,	3
Fraser, Simon,	70
Framjee Nanabhoy,	5
Frith, I. G.	24
Fletcher, Alexander, as Trustee of Messrs. Fergusson, Turner and Co.	75
Furdonjee Lunjee,	10
Framjee Nasserwanjee,	9
Framjee Ruttonjee,	19
Framjee Cowasjee,	67
Foster, Capt. Robert	9
Framjee Jewajee Gandena,	9
Framjee Muncherjee Colah,	9
Framjee Coonverjee,	2
Framjee Nasserwanjee Patell,	20
Fearon, Colonel P.	23
Framjee Cowasjee, Mrs.	14
Fraser, J.	18
Fraser, H. B. (C. S.)	14
Gordon, H. G.	75
Graham, John,	10
Greenhill, David,	75
Grey, W. S.	45
Gunput Bapsia Bhandaree,	7
Gama, J. C.	9
Griffith, Colonel J. G.	7
Gunputron Sudaseerjee,	2
Gordon, Colonel G. T.	23
Grandchildren of Framjee Cowasjee,	18
Hunter, Walter,	29
Hunter, W. F.	20
Henderson, Capt. W.	50
Henderson, Alex.	9
Henderson, Dr.	5
Hyslop, J.	3
Hurmusjee Perstonjee Bottlewalla,	2
Hormusjee Pestonjee,	3
Hemson, John	1
Howard, Wm.	10
Hormusjee Monockjee Major,	2
Hutchinson, Frederick,	3
Heerjeebhoy Nursungjee,	1
Hebbert, W. G.	2
Carried forward,	2210

Hall,

Brought forward,	2210
Hall, Capt. J. H.	1
Hollings, Lieut. G. E.	9
Hutt, B. Esq.	2
Ironside, Hon'ble Edward	50
Ingle, H.	6
Jehangeer Nasserwanjee Wadia,	20
Jameson, Capt. G. J.	5
James, Col. C. B.	15
Jeejeebhoy Dadabhoy,	19
Jeejeebhoy Byramjee,	2
Jehangeer Framjee Josawalla,	9
Jehangeer Byramjee,	5
Jemetjee Merwanjee Cacah,	2
Jaganath Sunkersett,	68
Jehangeer Nasserwanjee Wadia, for his Sister Soneboy,	18
Jamsetjee Burjosjee,	1
Jehangeer Framjee Cowasjee,	9
Jamardonjee Abbajee,	1
Kennett, Capt. V. F.	5
Keshow Runsordjee,	5
Kennett, Col. B.	9
Kennedy, R. H.	9
Khemchund Hureechund,	5
Khemchund Motecchand,	23
Luis, Thomas,	1
Little, James,	10
Lela Mohun Pasta,	5
Landon, S.	2
Larkins, J. P.	23
Lindsay,	22
Le Messurier, A. S.	9
Langford, J. W.	27
Lodwick, Col. P.	45
Lowjee Muncherjee Wadia,	23
Loyola Ge Ignacio,	1
Merwanjee Dadabhoy Wadia,	14
Malcolm, Capt. Sir Charles,	10
Moor, Major G.	20
Mackie, Wm.	50
Manockjee Nowrojee,	10
Morris, W. R.	37
Morgan, E. C.	75
Madoo Narron,	50
Murphy, R. X.	14
Manockjee Nasserwanjee Petty,	10
Mainwaring, W.	6
Mant, G. J.	5
Milne, John, Jr.	21
McLeod, John,	5
McDonald, J. M.	25
Muncherjee Framjee Cama,	45
Merwanjee Lunjee,	5
Merwanjee Hormasjee,	5
Carried forward,	3080

Brought forward,	3080
Muncherjee Burgorjee Mody,	11
Muncherjee Hormasjee Cama,	12
Merwanjee Khodabux,	23
Morgan, Capt. W.	18
Manockjee Cursetjee Jewajee,	9
McCallum, Wm.	9
McMahon, Capt. B.	9
Mackinlay, Capt. J. H.	36
Munro, C. G. G.	1
Munmohun Dass Davidass,	18
Manockjee Cursetjee,	3
Madowrow Rogoonathjee,	2
Murray, J.	9
Mackenzie, Rebecca	9
Moyle, J. G.	9
Malvery, J. J.	4
Moyle, Dr. A.	9
Manockjee Muncherjee,	1
Manockjee Lunjee,	5
Merwanjee Framjee,	4
Merwanjee Byramjee Luckaree,	1
Merwanjee Aspondiarjee,	9
Miller, John,	45
McLennan, John,	23
Newport, Capt. C.	50
Nesserwanjee Eduljee Paruck,	2
Nicol, J. D.	25
Nanabhoy Nowrojee,	8
Nesserwanjee Nowrojee,	18
Nowrojee Cowasjee,	2
Nainsey Thackersay,	5
Naylor, Capt. C. J.	2
Norowjee Rustomjee Nadarshaw,	4
Owen, H. F.	33
Ogilvie, Col. J.	30
Owen, Mrs. H. F. (her Trustees,)	15
Orton, J.	14
Ord, Capt. Richard	9
Ottley, W. J.	2
Palanjee Pestonjee,	9
Pollexfen, George,	18
Penley, Capt. G. F.	5
Patch, James,	61
Patch, John,	5
Powell, Col. Thomas,	23
Powell, Col. S.	18
Pestonjee Framjee,	4
Pestonjee Cursetjee Cama,	2
Pestonjee Dadabhoy Wadia,	8
Pallonjee Dhumjee,	5
Phillips, J. L.	9
Pestonjee Hormusjee Mama,	5
Pestonjee Hormusjee (Andison),	5
Pestonjee Hormusjee Santook,	1
Carried forward,	3766

Preedy,

ACT No. IV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 17th February, 1840.

An Act for preventing Affrays concerning the possession of Land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to remove doubts which have arisen upon the interpretation of Regulation XV. of 1824, and to amend the Law for preventing Affrays concerning the possession of Land and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applicable to persons of every class or description, whether British-born subjects or others:

It is hereby enacted, that Regulation XLIX. of 1793, Regulation XIV. of 1795, Regulation XXXII. of 1803, Section 5, Regulation VI. of 1813, Regulation XV. of 1824, and Regulation II. of 1829, of the Bengal Code, together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that whenever any Magistrate or other Officer exercising the powers of a Magistrate may be certified that a dispute likely to induce a breach of the peace exists concerning any Land, Premises, Water, Fisheries, Crops, or other produce of Land, within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether Proprietors, dependent Talookdars, Farmers, Under-Farmers, Ryots or other persons) to attend his Court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims as respects the fact of actual possession of the subject of dispute. And the Magistrate or other Officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to inquire what party was in possession of the subject of dispute when the dispute arose, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to have been in such possession to be entitled to retain possession, until ousted by due course of Law, and forbidding all disturbance of possession until such time; and if necessary the Magistrate or other Officer as aforesaid shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent Court.

III. And it is hereby enacted, that if the Magistrate or other Officer as aforesaid shall, in the cases mentioned in Section II. of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he

he may attach the subject of dispute until the rights of the parties be determined by a competent Court, giving the Collector information of the attachment; and if the subject of dispute be Land, the provisions of Regulation V. of 1827 regarding attachment by order of a Zillah or City Court shall apply to attachments by order of a Magistrate or other Officer as aforesaid made under this Section.

IV. And it is hereby enacted, that if any party shall complain to a Magistrate or other Officer as aforesaid, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops, or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependent Talookdar, Farmer, Under-Farmer, Ryot or otherwise, the Magistrate or other Officer as aforesaid shall require the party or parties complained against, and any other parties concerned, to appear and make defence in person or by agent within a reasonable time; and if, after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession.

V. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly formed Land, whereof it shall appear to the Magistrate or other Officer as aforesaid that no party has ever had possession, the Magistrate or other Officer as aforesaid shall award possession to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent Court.

VI. And it is hereby enacted, that if a dispute arises concerning the right of use of any Land or Water, the Magistrate or other Officer as aforesaid within whose jurisdiction the subject of dispute lies may inquire into the matter, and if it shall appear to him that the subject of dispute was open to the use of the public, or of any person, or of any class of persons, the said Magistrate or other Officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate or other Officer as aforesaid shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the inquiry, or in cases where the right of use exists at particular seasons, unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

VII. And it is hereby enacted, that any person opposing by force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a Magistrate or other Officer with the powers of a Magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, commutable if not paid to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

VIII. And it is hereby enacted, that all orders passed under this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of Magistrates.

IX.

IX. And it is hereby enacted, that in cases instituted under this Act the Magistrate or other Officer as aforesaid is authorised, with the consent of all the parties, to refer the matter in dispute, so far as it is cognisable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of such Magistrate or other Officer as aforesaid.

X. And it is hereby provided that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

XI. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William in Bengal, or to the Settlements of Prince of Wales' Island, Singapore, or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

ACT No. V. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 24th of February, 1840.

An Act concerning the Oaths and Declarations of Hindoos and Mahometans.

I. WHEREAS obstruction to justice, and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings;

It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid within the Territories of the East India Company shall make affirmation to the following effect :—

" I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing which if the same had been sworn before the passing of this Act would have amounted to perjury, every such offender shall be subject in all Courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the second Section of this Act shall be subject in all Courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of this Act.

IV. And it is hereby provided, that this Act shall not extend to any Declaration made under the authority of Act No. XXI. of 1837, nor to any Declaration or Affirmation made in any of Her Majesty's Courts of Justice.

ACT No. VI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 2d of March, 1840.

An Act for the Amendment of the Law concerning the negociation of Bills of Exchange.

I. WHEREAS it is expedient to extend to the Territories under the Government of the East India Company the amendments of the Law respecting Bills of Exchange contained in the Statutes 58 Geo. 3 Cap. 93—1 and 2 Geo. 4. C. 78—6 and 7 W. 4. C. 58—2 and 3 W. 4. C. 98;

It is hereby enacted, that from and after the first day of May, in the year of our Lord 1840, if any person shall accept a Bill of Exchange payable at any other place than at his own place of residence without further expression in his acceptance such acceptance shall be deemed and taken to be to all intents and purposes a general acceptance. But if the acceptor shall, in his acceptance, express that he accepts the Bill payable at such other place only, and not otherwise or elsewhere such acceptance shall be deemed and taken to be to all intents and purposes, a qualified acceptance of such Bill, and the acceptor shall not be liable to pay such Bill except in default of payment when such payment shall have been duly demanded at such other place.

II. And it is hereby enacted, that after the day and year aforesaid no acceptance of any Bill of Exchange drawn within the Territory of the East India Company, shall be sufficient to charge any person unless such acceptance be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts.

III. And it is hereby enacted, that it shall not be necessary to present Bills of Exchange accepted supra protest for honor, or having a reference thereon in case of need to the acceptor or acceptors for honor, or to the referee or referees, until the day following the day on which such Bills of Exchange shall become due, and if the place of address on any such Bill of Exchange of such acceptor or acceptors for honor, or of such referee or referees be other than where such Bill shall therein be made payable, then it shall not be necessary to forward such Bill of Exchange for presentment for payment to such acceptor or acceptors for honor, or referee or referees, until the day following the day on which such Bill of Exchange shall become due.

IV. And it is hereby enacted, that all Bills of Exchange wherein the drawer or drawers thereof shall have expressed that such Bills of Exchange are to be payable in any place other than the place by him or them therein mentioned to be the place of residence of the drawee or drawees thereof, and which shall not on the presentment thereof be accepted, shall or may be, without further presentment to the drawee or drawees

drawees protested for non-payment in the place in which such Bills of Exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such Bills of Exchange shall have been paid to the holder or holders thereof on the day on which such Bill would have become payable had the same been duly accepted.

V. And it is hereby enacted, that no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for a usurious consideration, or upon a usurious contract, be void in the hands of an Indorsee for valuable consideration, unless such Indorsee had, at the time of discounting or paying such consideration for the same, actual notice that such Bill of Exchange or Promissory Note had been originally given for a usurious consideration, or upon a usurious contract.

VI. And it is hereby provided, that this Act shall not be construed to extend to affect Bills of Exchange or Promissory Notes, in any case which, but for the passing of this Act, would not be governed by the law of England, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

ACT No. VII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 30th March, 1840.

An Act for authorizing the appointment of Uncovenanted Servants to the Offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.

It is hereby enacted, that whenever the Governor of Bengal, and the Lieutenant-Governor, or other authority exercising the powers of Lieutenant-Governor of the North-Western Provinces, shall deem it expedient to appoint any persons not being Covenanted Servants, to the Offices of Deputy Register or Assistant Register to the Court of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad respectively, it shall be competent to those Courts to assign to the Officers above named, any duties at present performed by their Registers.

ACT No. VIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 13th April, 1840.

An Act concerning the signing of Awards by the Members of Punchayets.

It is hereby enacted that in cases where the minority of the Members of a Punchayet, held under the Provisions of the Madras Code, may decline to sign the award of the Punchayet, the signature or mark of the majority shall be sufficient to give legal validity to the award. Provided always, that in such cases, it shall be incumbent on such majority to admit the minority to record and attest by their mark or signature their reasons for declining to sign or mark the award passed by the majority.

ACT No. IX. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th of April, 1840.

An Act for amending the law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages, and interested Witnesses.

I. Whereas it is expedient to extend to the Territories of the East India Company certain provisions of the Statute 3d and 4th William IV. Chap. 42, whereby remedies have been applied for the uncertainty and imperfections heretofore incident to Arbitrations, for the insufficient damages to which injured parties were limited by the technical forms of certain actions, and for the obstruction to justice frequently occasioned by reason of the legal incompetency of witnesses to give evidence in consequence of having some interest in the event of the suit to which their testimony relates;

It is hereby enacted, that, in order to render the rejection of witnesses on the ground of interest less frequent, if any witness shall be objected to in any of Her Majesty's Courts of Justice as incompetent on the ground that the verdict or judgment in the action on which it shall be proposed to examine him would be admissible in evidence for or against him, such witness shall nevertheless be examined, but in that case a verdict or judgment in that action in favor of the party on whose behalf he shall have been examined shall not be admissible in evidence for him or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined be admissible in evidence against him or any one claiming under him. 3 and 4. W. 4. C. 42. Sec. 26.

II. And it is hereby enacted, that the Court on the trial of any issue, or on any inquiry of damages, in any suit before any of Her Majesty's Courts of Justice may, if it shall think fit, give damages in the nature of interest over and above the value of the Goods at the time of the conversion or seizure in all actions of trover or trespass de bonis asportatis and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act. 3 and 4. W 4. C. 42. Sec. 29.

III. And it is hereby enacted, that the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule of Court, or Judge's order, or order of reference, in any action now 3 and 4. W. 4. C. 42. Sec. 39.

brought

brought or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of Her Majesty's Courts, shall not be revocable by any party to such reference without the leave of the Court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a Judge, and the arbitrator or umpire shall, and may, and is hereby required to proceed with the reference notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference, and that the Court, or any Judge thereof may from time to time enlarge the term for any such arbitrator making his award.

3 and 4. W. 4. C. 42. Sec. 40.

IV. And it is hereby enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any Judge by rule or order to be made for that purpose to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the Arbitrators, or by the Umpire, before whom the attendance is required, shall also be served either together with or after the service of such Rule or Order: Provided always that every person whose attendance shall be so required, shall be entitled to the like conduct money and payment of expences, and for loss of time as for and upon attendance at any trial: Provided also, that the application made to such Court or Judge for such Rule or Order shall set forth the place where such witness is residing at the time, or satisfy such Court or Judge that such person cannot be found: Provided also, that no person shall be compelled to produce under any such Rule or Order any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such Order.

3 and 4. W. 4. C. 42. Sec. 41.

V. And it is hereby enacted, that when in any Rule or Order of reference, or in any submission to arbitration containing an agreement that the submission shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath it shall be lawful for the Arbitrators or Umpire, or any one Arbitrator, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

VI. And it is hereby enacted, that this Act shall take effect in Culcutta from the day of its passing, and at Madras and Bombay after the expiration of thirty days from such day, and in the Straits Settlements after the expiration of sixty days from such day.

ACT No. X. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th April, 1840.

An Act for the abolition of Certain Pilgrim Taxes and for the superintendence of the Temple of Juggernath.

I. Whereas it is considered proper to abolish the exaction of all taxes or fees upon pilgrims resorting to Allahabad, Gya, and Juggernath, and to transfer the charge of the affairs of the Juggernath Temple exclusively to a competent Hindu Superintendent, under a full responsibility to the established Courts of Justice, for the redress of any violence or wrong, upon the application of any party interested;

It is hereby enacted, that so much of Section 31, Regulation XII. of 1805, as provides for the continuance of the duties levied from Pilgrims at Juggernath;
So much of Section 4, Regulation XXVII. of 1793 as provides for the continuance of the duties levied on Pilgrims at Gya and other places of Pilgrimage;

Reg. IV. of 1806;
Reg. V. of 1806;
Sec. 9, Reg. VI. of 1808;
Reg. IV. of 1809;
Sec. 4. Reg. IV. of 1810;
Reg. XI. of 1810, and
Reg. XVIII. of 1810,

are repealed.

II. And it is hereby enacted, that the superintendence of the Temple of Juggernath, and its interior economy, the conduct and management of its affairs, and the control over the Priests, Officers, and Servants attached to the Temple, shall continue vested in the Rajah of Khoorda for the time being; provided always that the said Rajah, and all persons connected with the said Temple shall on all occasions be guided by the recorded rules and institutions of the Temple, or by ancient and established usage, so far as the same may be consistent with the provisions of this Act.

III. And it is hereby enacted, that the said Rajah of Khoorda shall not receive or allow to be received by any person connected with the said Temple, any payment, other than such voluntary donations as may be freely offered, from any person resorting to the said Temple, for the performance of religious ceremonies.

IV.

IV. And it is hereby declared and enacted, that the said Rajah, and all Priests, Officers, and Servants attached to the said Temple, are and shall be liable to be sued or prosecuted by any party interested, in any Civil or Criminal Court of competent jurisdiction, for any breach of trust, or official misfeasance, committed in the conduct of their duties, or for any extortion or illegal violence exercised upon pilgrims or others under color of the authority conveyed by this Act.

ACT No. XI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th April, 1840.

An Act for the Presidency of Bombay, amending the law concerning Prisoners sentenced to labor or solitude.

I. It is hereby enacted, in modification of Clause 2, Section XLV. Regulation XIII. of 1827, of the Bombay Code, that no Prisoner confined in any part of the Provinces under the Presidency of Bombay shall be forced to labor in any manner or be confined solitarily, unless such labor or solitary confinement be expressly directed by the sentence of the Court under whose warrant he is confined; and no Prisoner shall be forced to labor or be confined solitarily otherwise than according to his sentence.

II. And it is hereby enacted, in modification of Clause I, Section VII. Regulation XIV. of 1829, of the Bombay Code, that wherever under the Laws in force under that Presidency a Prisoner may be sentenced to imprisonment with labor, it shall be lawful for the Court pronouncing such sentence to direct that solitary confinement be combined with the punishment of imprisonment with labor.

III. And it is hereby provided that nothing in this Act contained shall be construed to be applicable to Convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline.

ACT No. XII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 8th of June, 1840.

An Act for extending Act XII. of 1839 (relating to the assessment of dwelling houses and buildings within and beyond the limits of the Towns of George Town, Singapore and Malacca) to grounds not covered with houses or buildings.

I. It is hereby enacted, that from the 1st day of January, in the year of our Lord 1841, an assessment shall be levied on all lands not covered with houses or buildings within the limits of the Towns of George Town, Singapore and Malacca, according to the real annual values thereof at a rate not exceeding ten per cent. of such annual values.

II. And it is hereby enacted, that from the day aforesaid an assessment shall be levied on all property of the nature described in the foregoing section, but which shall be situated beyond the limits of the aforesaid Towns at a rate not exceeding five per cent. on the annual rent or value thereof.

III. And it is hereby enacted and provided, that any property which would be subject to assessment as aforesaid, of which the real annual value shall be less than ten Spanish Dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

IV. And it is hereby enacted, that all the provisions of Act No. XII. of 1839 applicable to the assessment of houses and buildings shall be applied to the assessment of grounds not covered by houses or buildings, and which are subjected to assessment by this Act.

ACT No. XIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th of June, 1840.

An Act for the amendment of the Law regarding Factors, by extending to the territories of the East India Company, in cases governed by English law, the provisions of the Statute 4 Geo. IV. Ch. 83 as altered and amended by the Statute 6 Geo. IV. Ch. 94.

It is hereby enacted, that the Statute of the 4 Geo. IV. Cap. 83 as altered and amended by the Statute of 6 Geo. IV. Ch. 94, shall be extended to the territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statutes if this Act had not passed; or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statutes hereby extended to the Territories of the East India Company are as follows.

4 GEO. IV. CAP. 83.

An Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes, intrusted to Factors or Agents. (18th July, 1823.)

"Whereas it has been found that the Law, as it now stands, relating to Goods shipped in the names of persons who are not the actual Proprietors thereof, and to the deposit or pledge of Goods, affords great facility to fraud, produces frequent litigation, and proves, in its effects, highly injurious to the interests of Commerce in general;" Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any Goods, Wares, or Merchandize, and by whom such Goods, Wares, or Merchandize, shall be shipped, in his, her or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such

Persons, in whose names Goods shall be shipped, shall be deemed the Owners, so as to entitle Consignees to a lien thereon as herein mentioned.

such Goods, Wares, and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her or them to the use of such Consignee or Consignees, in the like manner to all intents and purposes as if such person or persons was or were the true Owner or Owners of such Goods, Wares and Merchandize; provided such Consignee or Consignees shall not have notice, by the Bill of Lading for the delivery of such Goods, Wares or Merchandize or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her or their own name or names, or in whose name or names any Goods, Wares or Merchandize shall be shipped by any person or persons, is or are not the actual and *bona fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares and Merchandize so shipped as aforesaid, any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken for the purposes of this Act to have been intrusted therewith, unless the contrary thereof shall appear or be shewn in evidence by any person disputing such fact.

Any person may take Goods or Bill of Lading in deposit from Consignee but shall not acquire any further right than Consignee possessed.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies, politic or coporate, to accept and take any Goods, Wares or Merchandize, or the Bill or Bills of Lading for the delivery thereof, in deposit or pledge from any Consignee or Consignees thereof; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title or interest, in or upon or to the said Goods, Wares or Merchandize, or any Bill of Lading for the delivery thereof, than was possessed, or could or might have been enforced by the said Consignee or Consignees at the time of such deposit or pledge as a security as aforesaid: but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess and enforce such right, title, or interest, as was possessed and might have been enforced, by such Consignee or Consignees at the time of such deposit or pledge as aforesaid, any rule of law, usage or custom to the contrary notwithstanding.

Right of Owner to follow his Goods while in the hands of his Agent or of his Assignees in case of Bankruptcy, or to recover them from Assignees, &c. upon paying his advances secured upon them, &c.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, Proprietor or Proprietors of such Goods, Wares or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so deposited or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their Bankruptcy; nor to prevent any such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of, and from any person or persons, or of or from the Assignees of any person or persons in case of his or her bankruptcy, or of or from any body or bodies, politic or corporate, such Goods, Wares, or Merchandize so consigned, deposited, or pledged, upon repayment of the money or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable

negotiable security or securities such person or persons, his, her, or their Assignee or Assignees, or such body or bodies, politic or corporate, may be entitled to any lien upon such Goods, Wares, or Merchandize, nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid. Provided always, that in case of the bankruptcy of such Factor or Agent, the Owner of the Goods so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him to the bankrupt's estate.

Proviso as to bankruptcy of Factor.

6TH GEO. IV. CAP. 94.

An Act to alter and amend an Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents.

4 Geo. 4. C. 83.

Whereas an Act passed in the fourth year of the Reign of His present Majesty, intituled *an Act for the better protection of the Property of Merchants and others, who may hereafter enter into contracts or agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents:* And whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted for the purpose of consignment or of sale, with any Goods, Wares, or Merchandize, and who shall have shipped such Goods, Wares, or Merchandize in his, her, or their own name or names, and any person or persons in whose name or names any Goods, Wares, or Merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them, to the use of such Consignee or Consignees, in the like manner to all intents and purposes as if such person or persons was or were the true Owner or Owners of such Goods, Wares, and Merchandize, provided such Consignee or Consignees shall not have noticed by the Bill of Lading for the delivery of such Goods, Wares or Merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bona fide* Owner or

Factors or Agents having Goods or Merchandize in their possession, shall be deemed to be true Owners, so as to give validity to contracts with persons dealing bona fide upon the faith of such property.

Owners,

Owners, Proprietor or Proprietors of such Goods, Wares, and Merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding: provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purpose of this Act, to have been intrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shown in evidence by any person disputing such fact.

Persons in possession of Bills of Lading, &c., to be the Owners so far as to make valid contracts.

II. And be it further enacted, that from and after the First day of *October* one thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any Bill of Lading, *India* Warrant, Dock Warrant, Warehouse Keeper's Certificate, Wharfinger's Certificate, Warrant or Order for delivery of Goods, shall be deemed and taken to be the true Owner or Owners of the Goods, Wares, and Merchandize described and mentioned in the said several documents hereinbefore stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies, politic or corporate, for the sale or disposition of the said Goods, Wares, and Merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies, politic or corporate, upon the faith of such several documents or either of them; provided such person or persons, body or bodies, politic or corporate, shall not have noticed by such documents or either of them, or otherwise, that such person or persons so intrusted as aforesaid is or are not the actual and *bona fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares or Merchandize so sold or deposited or pledged as aforesaid; any law, usage, or custom to the contrary thereof in anywise notwithstanding.

No person to acquire a security upon Goods in the hands of an Agent for an antecedent debt, beyond the amount of the Agent's interest in the Goods.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies, politic or corporate, shall, after the passing of this Act, accept and take any such Goods, Wares, or Merchandize in deposit or pledge from any such person or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies, politic or corporate, before the time of such deposit or pledge, then and in that case such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares, or Merchandize in deposit or pledge, shall acquire no further or other right, title or interest in or upon or to the said Goods, Wares, or Merchandize, or any such document as aforesaid than was possessed or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares or Merchandize in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid; any rule of law, usage, or custom to the contrary notwithstanding.

IV.

IV. And be it further enacted, that from and after the First day of *October* one thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to contract with any Agent or Agents, intrusted with any Goods, Wares, or Merchandize, or to whom the same may be consigned, for the purchase of any such Goods, Wares, and Merchandize, and to receive the same of and pay for the same to such Agent or Agents; and such contract and payment shall be binding upon and good against the Owner of such Goods, Wares, and Merchandize, notwithstanding such person or persons, body or bodies, politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an Agent or Agents, provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons body or bodies, politic or corporate, shall not, when such contract is entered into or payment made, have notice that such Agent or Agents, is or are not authorized to sell the said Goods, Wares, and Merchandize, or to receive the said purchase money.

Persons may contract with known Agents in the ordinary course of business or out of that course if within the Agent's authority.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any such Goods, Wares, or Merchandize, or any such document as aforesaid, in deposit or pledge from any such Factor or Factors, Agent or Agents, notwithstanding such person or persons, body or bodies, politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a Factor or Factors, Agent or Agents; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title, or interest in or upon or to the said Goods, Wares or Merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said Factor or Factors, Agent or Agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such Factor or Factors, Agent or Agents, at the time of such deposit or pledge as aforesaid; any rule of law, usage or custom to the contrary notwithstanding.

Persons may accept and take Goods, &c. in pledge from known Agents; but in that case shall acquire no further interest than was possessed by such Agent at the time of such pledge.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, or Proprietor or Proprietors, of such Goods, Wares, or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so sold, deposited, or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their bankruptcy; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, body or bodies, politic or corporate, the price or sum agreed to be paid for the purchase of such Goods, Wares, or Merchandize, subject to any right of set off on the part of such person or persons, body or bodies, politic or corporate, against such Factor or Factors, Agent or Agents; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from such person or persons, body or bodies, politic or corporate, such Goods, Wares, or Merchandize so deposited or pledged,

Right of the true Owner to follow his Goods while in the hands of his Agent or of his Assignee in case of bankruptcy, or to recover them from a third person, upon paying his advances secured upon them.

upon

upon repayment of the money, or on restoration of the negotiable instrument or instruments so advanced or given on the security of such Goods, Wares, or Merchandize as aforesaid, by such person or persons, body or bodies, politic or corporate, to such Factor or Factors, Agent or Agents; and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such Factor or Factors, Agent or Agents, to such Owner or Owners, Proprietor or Proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: Provided always, that in case of the bankruptcy of any such Factor or Agent, the Owner, or Owners, Proprietor or Proprietors of the Goods, Wares, and Merchandize so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the Estate of such Bankrupt.

In case of bankruptcy of Factor, the Owner of Goods so pledged and redeemed shall be held to have discharged pro tanto the debt due from him to Bankrupt.

Agents fraudulently pledging the Goods of their principals deemed guilty of a misdemeanor.

VII. And whereas it is expedient to prevent the improper deposit or pledge of Goods, Wares, or Merchandize, or the documents relating to such Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to Factors or Agents; be it therefore enacted, that if any such Factors or Agents, at any time from and after the said first day of *October*, one thousand eight hundred and twenty-six shall deposit or pledge any Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid, with any person or persons, body or bodies, politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such Factor or Agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the Owner or Owners of any such Goods, Wares, or Merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanor, and being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the Court before whom such offender may be tried and convicted shall adjudge.

May be transported not exceeding fourteen years, &c.

Not to extend to cases in which the Agent has not made the Goods a security for any sum beyond the extent of his own lien.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to subject any person or persons to prosecution, for having deposited or pledged any Goods, Wares, or Merchandize so intrusted or consigned to him, her or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due, and owing to such person or persons from his, her, or their principal or principals: Provided nevertheless that the Acceptances of Bills of Exchange by such person or persons drawn by or on account of such principal or principals shall not be considered as constituting any part of such debt so due, and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or

Acceptances of Bills by an Agent not to create a lien so as to excuse the pledge, unless the Bills are paid when due.

or pledge, unless such Bills shall be paid when the same shall respectively become due.

Act not to extend to partners not being privy to the offence.

IX. Provided also, and be it further enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend or be construed to extend to any partner or partners or other person or persons of or belonging to any partnership, society, or firm, except only such partner or partners, person or persons, as shall be necessary or privy to the commission of such offence; any thing herein contained to the contrary in any wise notwithstanding.

Act not to lessen any remedy at Law or Equity which the party aggrieved may be entitled to adopt.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at Law or in Equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the conviction of any offender against this Act shall not be received in evidence in any action at law or suit in Equity against such offender: And further that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter, or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing on oath under or in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding, in or to which he shall have been a party, and which shall have been *bona fide* instituted by the party aggrieved by the act, matter, or thing, which shall have been committed by such offender aforesaid.

GENERAL SECRETARIA... LIBRARY.

ACT No. XIV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th of June, 1840.

An Act for rendering a written Memorandum necessary to the validity of certain promises and engagements by extending to the Territories of the East India Company, in cases governed by English Law the Provisions of the Statute 9, Geo. IV. Ch. XIV.

It is hereby enacted, that the Statute 9, Geo. IV. Ch. XIV. shall be extended to the Territories of the East India Company; provided always that this Act shall not be construed to affect any case, which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed; or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company is as follows (the sum of £10 mentioned therein to be deemed 100 Rupees in the application of the Statute to the aforesaid Territories.)

9TH GEO. IV. CAP. XIV.

An Act for rendering a written Memorandum necessary to the validity of certain Promises and Engagements.

9th May, 1828.

Whereas by an Act passed in England in the twenty-first year of the Reign of King James the First, it was, among other things, enacted, that all actions of account and upon the case, other than such accounts as concern the trade of Merchandize between Merchant and Merchant, their Factors or Servants, all actions of debt grounded upon any lending or contract, without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suit, and not after. And whereas a similar Enactment is contained in an Act passed in Ireland in the tenth year of the reign of King Charles the First, and whereas various questions have arisen in actions founded on simple contract, as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said Enactments; and it is expedient to prevent such questions and to make

English Act 21, Jas. I. C. 16.

Irish Act 10, Car. I. Sess. 2, C. 6.

provision

provision for giving effect to the said Enactments and to the intention thereof. Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same. That in actions of debt or upon the case grounded upon any simple contract no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the said Enactments, or either of them, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more Joint Contractors, or Executors or Administrators of any Contractor no such Joint Contractor, Executor, or Administrator shall lose the benefit of the said Enactments, or either of them, so as to be chargeable in respect or by reason only by any written acknowledgment or promise made and signed by any other or others of them. Provided always that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatsoever. Provided also, that in actions to be commenced against two or more such Joint Contractors, or Executors, or Administrators, if it shall appear at the trial or otherwise that the Plaintiff, though barred by either of the said recited Acts or this Act, as to one or more of such Joint Contractors, or Executors or Administrators, shall nevertheless be entitled to recover against any other or others of the Defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the Plaintiff as to such Defendant or Defendants against whom he shall recover, and for the other Defendant or Defendants against the Plaintiff.

In actions of debt or upon the case, no acknowledgment shall be deemed sufficient unless it be in writing, or by part payment.

Joint Contractors.

Proviso for the case of Joint Contractors.

Pleas in Abatement.

II. And be it further enacted, that if any Defendant or Defendants in any action on any simple contract shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Acts, or this Act, or of either of them, be maintained, against the other person or persons named in such plea, or any of them, the issue joined on such plea shall be found against the party pleading the same.

Indorsements of Payment.

III. And be it further enacted, that no Indorsement or Memorandum of any payment written or made after the time appointed for this Act to take effect, upon any Promissory Note, Bill of Exchange, or other writing by or on the behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of either of the said Statutes.

Simple Contract debts alleged by way of set off.

IV. And be it further enacted, that the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set off on the part of any Defendant, either by plea, notice, or otherwise.

Confirmation of promises made by Infants.

V. And be it further enacted, that no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

VI.

VI. And be it further enacted, that no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given, concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money, or goods upon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

Representations f character.

VII. And whereas by an Act passed in England in the twenty-ninth year of the reign of King Charles the Second, intitled an Act for the prevention of Frauds and Perjuries, it is, among other things enacted, that from and after the twenty-fourth day of June one thousand six hundred and seventy-seven, no contract for the sale of any goods, wares and merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment; or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their Agents thereunto lawfully authorized. And whereas a similar Enactment is contained in an Act passed in Ireland in the seventh year of the reign of King William the Third. And whereas it has been held that the said recited Enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied; and it is expedient to extend the said Enactments to such executory contracts; be it enacted, that the said Enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some Act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

29 Car. 2, C. 3.

Irish Act 7, W. 3, C. 12.

Powers of recited Acts extended to Contracts for Goods, of 10£ or upwards although the delivery be not made.

VIII. And be it further enacted, that no memorandum or other writing made necessary by this Act shall be deemed to be an agreement within the meaning of any Statute relating to the duties of Stamps.

Memorandum exempted from Stampts.

ACT No. XV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th of June, 1840.

An Act for extending Regulations XV. of 1827 and XIII. of 1830, of the Bombay Code, to the Agents of Foreign Sovereigns.

It is hereby enacted, that the provisions of Regulations XV. of 1827 and XIII. of 1830, of the Bombay Code, be made applicable to the Agents of Foreign Sovereigns having lands and possessions in the British Territory of the Bombay Presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations; provided that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

ACT No. XVI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 3d of August, 1840.

An Act concerning the management of Convicts transported to places within the territories of the East India Company.

I. WHEREAS doubts have arisen touching the legal mode of treating Convicts transported to places within the territories of the East India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such Convicts;

It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons to be appointed by the Governor General in Council on that behalf at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

II. And it is hereby declared and enacted, that it sahll be lawful for the Governor General in Council to appoint the Governor or other Authority at any place within the territories of the East India Company, or to appoint one or more Superintendents at any such place as the persons to whom Convicts undergoing transportation shall be delivered and in whom the property in the service of such Convicts shall be vested as aforesaid.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to issue orders from time to time to any such Governor, Authority, or Superintendent, and which orders are hereby required to be duly executed, and to frame rules touching the classification of Convicts, their confinement, treatment, and discipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or disobedience in the service of those persons in whom the property of such service may be vested as aforesaid.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the territories of the East India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act, and nothing heretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders, or with the sanction of Government, shall be called in question in any Court of law.

ACT No. XVII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th August, 1840.

An Act for amending Regulation V. of 1831 *of the Madras Code as far as the same regards penalties for certain breaches of the Salt Laws.*

WHEREAS great inconvenience has been experienced, in consequence of sending persons accused of petty offences against the Salt Laws for trial in the Criminal Courts, who might be more conveniently tried by Magistrates as in the case of other offences subject to the same amount of punishment:

It is hereby enacted in modification of Regulation V. of 1831 of the Madras Code, that all penalties prescribed by the Madras Code for any breaches of the Salt Laws shall be recoverable before the Magistrate of the district: Provided always, that it shall be lawful for any such Magistrate before whom any person shall be charged with the commission of any offence against the Salt Laws, at his discretion, to proceed against such person in the same manner as against persons charged with offences the punishment of which rests with the Criminal Court. Provided also, that no Magistrate shall, under the authority of this Act, punish any offender by a fine exceeding 50 Rupees, or by imprisonment with or without labor for a longer period than thirty days.

ACT No. XVIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th August, 1840.

To regulate the granting and withholding Licenses for the Sale of Liquors within the Islands of Bombay and Colaba.

I. It is hereby enacted, that all powers and duties now vested by law in Her Majesty's Justices of the Peace in Bombay with respect to granting and withholding licenses for the sale of Arrack, Toddy and other Spirituous and Fermented Liquors, within the Islands of Bombay and Colaba, shall from and after the passing of this Act be vested in and discharged by the Collector of Land Revenue, and the Senior Magistrate of Police in Bombay jointly, but the said Justices at Quarter Sessions assembled shall have power in their discretion to quash such licenses or to withdraw the same on the breach of any of the conditions thereof.

II. And it is hereby enacted, that the Hon'ble the Governor in Council shall have authority at all times to regulate the form of licenses to be granted for the sale of Arrack and other Liquors aforesaid in Bombay, and to vary and add to the terms and conditions thereof.

III. And it is further enacted, that nothing herein contained shall have the effect of repealing or altering any laws now in force touching the sale of Spirituous Liquors in Bombay or Colaba otherwise than as such laws are hereby repealed or altered.

ACT No. XIX. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 14th September, 1840.

Act for amending the procedure in cases of Appeals made in formâ pauperis, within the Presidency of Fort William in Bengal.

It is hereby enacted, that the proviso contained in Clause 1, Section V. Regulation XXVIII. 1814 of the Bengal Code in regard to females of rank, shall be applicable, at the discretion of the Courts of Sudder Dewanny Adawlut of the Presidency of Fort William in Bengal respectively, to any party desirous of appealing in formâ pauperis to either of those Courts.

ACT No. XX. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th October, 1840.

An Act for declaring the law touching the liability of Auction Purchasers of permanently assessed Estates under Section XXI. Regulation XI. of 1822, of the Bengal Code.

I. WHEREAS doubts have arisen whether the liability of Auction Purchasers, under the Provisions of Section XXI. Regulation XI. of 1822, Bengal Code, to make good the difference between the sums bid at a first and second sale of Lands, sold for the realization of arrears of Revenue, has been affected by the Provisions of Section VII. Regulation VII. of 1830 of the same Code :—

It is hereby declared and enacted, that the said liability provided for, and imposed by Section XXI. Regulation XI. of 1822 aforesaid, has in no wise been altered or affected by Section VII. Regulation VII. of 1830 aforesaid, and that such liability shall be considered in full force and virtue, as if such last mentioned Regulation had not been passed.

ACT No. XXI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th of October, 1840.

An Act concerning Suits instituted under the provisions of Regulation XLIX. of 1793, prior to, and pending at, the date of the enactment of Act IV. of 1840.

It is hereby enacted, that Act IV. of 1840 shall not affect the trial of Suits under Regulation XLIX. 1793, which were pending originally or in appeal at the time of the passing of that Act, and that all such suits shall be tried and decided in the same manner as if Act IV. of 1840 had not been passed.

ACT No. XXII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 23d November, 1840.

An Act for the punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba extorting Alms by offensive and disgusting exhibitions and practices.

I. WHEREAS great inconvenience is experienced in the Towns of Calcutta and of Madras, and in the Islands of Bombay and Colaba from Mendicants who endeavour to extort alms by offensive and disgusting exhibitions and practices ;—

It is hereby enacted, that persons within the Town of Calcutta or of Madras, or within the Islands of Bombay and Colaba who shall seek to extort alms by offensively exhibiting any bodily ailment or deformity, or by any offensive or indecent practices, or by inflicting, or threatening to inflict, bodily injury on themselves, shall be liable, on conviction before any Justice of the Peace, to imprisonment with or without labor for a term not exceeding one calendar month.

II. And it is hereby enacted, that all persons guilty a second time of any of the above offences, shall be liable, on conviction before a Justice of the Peace, to imprisonment with hard labor for a term not exceeding twice the period assigned for the first offence, and for the same term upon any subsequent conviction.

III. And it is hereby enacted, that persons guilty of any of the offences above mentioned who shall violently resist any Peace Officer attempting to apprehend them, shall be liable, on conviction before a Justice of the Peace, to imprisonment with or without hard labor for a term not exceeding three calendar months.

IV. And it is hereby enacted, that it shall be lawful for the Governor General in Council from time to time, by notice in the Gazette, to extend the provisions of this Act to any towns or districts besides the places specified in this Act.

ACT No. XXIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 30th November, 1840.

An Act for executing within the local limits of the jurisdiction of Her Majesty's Courts Legal Process issued by authorities in the Mofussil.

I. WHEREAS great inconvenience has been experienced, in consequence of the difficulty of procuring the attendance as witnesses before the Mofussil Authorities of persons resident within the local limits of Her Majesty's Supreme Courts, and, in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process issued by such Authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the Mofussil Courts to which they are parties;—

It is hereby enacted, that any Writ, Warrant, or other Process issued by any Court, Judge, or Magistrate in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras and Bombay respectively, may be executed within those limits in manner following—A copy of such Writ, Warrant, or other Process authenticated as such by the attestation of the Court, Judge, or Magistrate signing or issuing the same, accompanied by a certified translation in the English language, shall be presented to any Judge of Her Majesty's Courts, who may thereupon, under his hand and signature, indorse and direct the same to be executed within the local limits of any of Her Majesty's Courts by the Sheriff, or by any Justice of the Peace according to the nature of such Writ, Warrant or other Process.

II. And it is hereby provided, that upon the delivery of every such Writ, Warrant or Process so indorsed as aforesaid to any such Sheriff as aforesaid, every such Sheriff shall make a memorandum of the date of such delivery, and shall execute such Writ, Warrant or Process in like manner as if the same had originally issued from any of Her Majesty's Courts and had been delivered at the date as appearing by the memorandum; and such Sheriff shall make no distinction as to priority or otherwise between the execution of any Writ, Warrant or other Process originally issued from any of Her Majesty's Courts, and the execution of any Writ, Warrant or other Process, under this Act. But every Writ, Warrant and other Process whether original, or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of Writs, Warrants, and other Process originally issued from Her Majesty's Courts of Justice.

III. And it is hereby enacted, that every such Sheriff shall be liable to be proceeded against in Her Majesty's Courts of Justice for all matters touching the execution of any Writ, Warrant or other Process executed under this Act, in like manner as if the

the same had originally issued from any of Her Majesty's Courts of Justice. And all persons and property seized or detained under any Writ, Warrant or Process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under the like Writ, Warrant or other Process issued from any of Her Majesty's Courts of Justice.

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any Writ, Warrant or other Process indorsed under this Act, shall be punishable in Her Majesty's Courts of Justice, in like manner as if the same had issued from such Courts; Provided always that, in the case of Process for the attendance of witnesses, Her Majesty's Courts shall be governed by the like rules touching expenses and other matters as are established in regard to Subpœnas issued from such Courts.

V. And it is hereby enacted, in the case of persons seized or detained by virtue of any Writ, Warrant or other Process executed under the authority of this Act by any Justice of the Peace or by any Sheriff, it shall be the duty of every such Sheriff or Justice of the Peace if so required by the indorsement of the Judge, to deliver the party in custody to such authority or persons as shall be particularly specified in such indorsement, and who shall have been charged with the execution of the Writ, Warrant or other Process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's territories beyond the local limits of the jurisdiction of Her Majesty's Courts.

VI. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, it shall be lawful for the Judge who shall be required to indorse the same, to remit the same for amendment to the authority issuing the same if the same shall appear to be defective in any matter of form.

VII. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the Judge who shall be required to indorse the same to direct by indorsement that bail (the amount and number of Sureties to be specified in such indorsement) may be taken; and for this purpose to call for such documents and to make such inquiry as he shall think proper.

VIII. And whereas it is expedient, that offenders sentenced by the Mofussil authorities to imprisonment with or without hard labour, should be subjected to the most improved rules of prison-discipline, which cannot, in all cases, be conveniently done except in the prisons locally situate within the jurisdiction of Her Majesty's Supreme Courts, it is hereby enacted, that all Civil and Criminal Gaols and Houses of Correction within the jurisdiction of any of Her Majesty's Supreme Courts, shall, according to the nature of the case, be liable to be used by the Sheriff for the purposes of this Act, and the parties imprisoned therein under the authority of this Act shall be liable to the prison-discipline thereof, and all sentences of imprisonment passed by any Judge, Court or Magistrate in the territories of the East India Company beyond the local limits of Her Majesty's Supreme Courts, may be executed in whole or in part within any of the Gaols or Houses of Correction aforesaid, provided that a copy of the Warrant of Commitment or other Process authorizing the imprisonment be so indorsed as aforesaid, and such indorsement contain the necessary directions.

ACT No. XXIV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 7th December, 1840.

For amending the law with respect to rates for Municipal purposes within the Town of Calcutta.

I. WHEREAS it is expedient to specify the particular purposes to which rates assessed on houses, buildings and grounds in Calcutta shall be applied; and abolish the practice which has hitherto prevailed, of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such percentage being inadequate for the purposes to which the rates have hitherto been deemed applicable. And whereas it is expedient to make the percentage leviable by quarterly rates on the annual value of property to depend entirely on the expenditure necessary for accomplishing, in an efficient manner, the purposes to which the rates shall henceforth be applicable, and providing for all incidental expenses and casual deficiencies or defaults. And whereas it is expedient to subject the collection and administration of the funds raised for Municipal purposes in the various districts of the Town to the management of the rate-payers themselves within such districts respectively, whenever they are desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose. And whereas it is expedient to modify the provisions of the Statute 33 Geo. 3, Cap. 52, in regard to assessments for the Town of Calcutta in order for the better collection of the same, reserving all the authority of such Statute in matters not inconsistent with this Act;—

It is hereby enacted, that the assessments which by the Statute 33 Geo. 3, Ch. 52, are authorized to be made for the Town of Calcutta, shall be applicable to the following purposes only—viz. lighting, and watering the roads and streets, and cleansing and repairing the same and the drains of the said Town.

II. And it is hereby enacted, that the assessments and rates made under the authority of the said Statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last Section, for discharging all incidental expences, and for making up deficiencies and defaults of every kind whatsoever. Provided always that no rate shall be made exceeding the amount of five per cent. on the assessed value of property without the sanction of the Governor of Fort William in Bengal.

III. And it is hereby enacted, for the encouragement of the control and supervision of the assessment and collection of the rates and the management thereof within particular divisions being undertaken by the rate-payers themselves—the Justices at their

their Quarter Sessions shall publish quarterly the particulars of all sums laid out, and of all the expences of collection and deficiencies during the preceding quarter within the following divisions of the Town, or such other divisions as the Governor of Fort William in Bengal may from time to time direct, so long as the assessment, collection or management of the rates for such divisions shall remain under their jurisdiction, viz. the 1st or Upper North Division, bounded as follows:

North—by the Mahratta Ditch.
South—by the Mutchooa Bazar Road and Cotton Street to Meerbhur's Ghaut.
East—by the Circular Road.
West—by the River Hooghly.

2d or Lower North Division, bounded as follows:

North—by Mutchooa Bazar Road and Cotton Street, to Meerbhur's Ghaut.
South—by the Boitakhanna and Bow Bazar Road, and Hare Street, to Police Ghaut.
East—by the Circular Road.
West—by the River Hooghly.

3d or Upper South Division, bounded as follows:

North—Boitakhanna, Bow Bazar Road and Hare Street, to Police Ghaut.
South—Durrumtollah Street and Esplanade Row, to Chandpaul Ghaut.
East—Circular Road.
West—River Hooghly.

4th or Lower South Division, bounded as follows:

North—by the Durrumtollah Street and Esplanade Row, to Chandpaul Ghaut.
South—by the Lower Circular Road to Kidderpore Bridge and Tolly's Nullah, to River Hooghly, including the Fort and Cooly Bazar.
East—by the Circular Road.
West—by the River Hooghly.

IV. And it is hereby enacted, whenever two-thirds in number and value of the rate-payers of any of such respective divisions shall apply to the Governor of Fort William in Bengal to undertake themselves the assessment, collection and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort William in Bengal to authorise the same accordingly, at his discretion; provided always that such majority of rate-payers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for. Provided always that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor of Fort William in Bengal upon reference to all local circumstances.

V. And it is hereby enacted, that for the better assessment and collection of rates under this Act, it shall be lawful for the Governor of Fort William in Bengal, to appoint such Assessor or Assessors, Collector or Collectors, and to make such union of the offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections and in the management of the rates collected as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any Assessment rate or Warrant of Distress under this Act to specify the names of the owners or occupiers

occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and, in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the Goods and Chattles of the owner of any property rated shall be seizable any where (except where property is concealed as hereinafter mentioned) for deficiency in the payment of rates. And that all property which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure. And in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any Zenana, the Officer charged with the execution of the Warrant shall make a special report to the Justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court.

ACT No. XXV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th of December, 1840.

For the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

1. WHEREAS it has been found necessary, with a view to make better provision for the protection of the Abkaree Revenue than is afforded by the existing system of management, to place the superintendence of certain Districts in a separate Commissioner acting under the direction and control of the Board of Customs, Salt and Opium, and whereas it is required to make provision by law for the extension and improvement of this system of management within the Presidency of Fort William in Bengal;—

It is hereby enacted, that whenever a Commissioner or Commissioners shall be appointed by the Governor of Bengal, or by the Governor or Lieutenant Governor of the N. W. Provinces, with the sanction of the Government of India, for the superintendence of the Abkaree Revenue, such Commissioner or Commissioners shall exercise within such Districts as may be assigned and prescribed from time to time by the said Governors or Lieutenant Governor the powers, authority and jurisdiction vested by the Regulations and Acts of the Government in Commissioners of the Land Revenue in all matters appertaining to the Abkaree Revenue.

II. And it is hereby enacted, that within the Districts so assigned to such Commissioner or Commissioners, the Governor of Bengal or Governor or Lieutenant Governor of the N. W. Provinces may appoint any duly qualified persons not being of the description specially provided for in Section XXXI. Regulation X. 1813, to be Superintendents of the Abkaree Revenue, and to vest them with the charge and management of the Abkaree Revenue under the orders of the said Commissioner within such local limits as to him may seem fit, and the persons so appointed shall exercise all the powers of Collectors in regard to this Revenue, excepting the adjudication of cases of contravention of the Laws relating to Abkaree.

III. And it is hereby enacted, that it shall be competent for the Governor of Bengal to vest any person appointed under the foregoing Clause to the charge and superintendence of the Abkaree Revenue with the power of adjudicating cases of contravention of the Abkaree Laws, in addition to the powers attaching to the office of Superintendent of Abkaree Revenue in the District or Districts assigned to him—provided that no such Superintendent when so vested with the powers of adjudication shall sentence any person to a fine exceeding 200 Rupees, whether commutable or otherwise,

otherwise, or to imprisonment for a term exceeding 3 months, except for a second offence under Section XVII. of this Act.

IV. And it is hereby enacted, that the warrant of any Officer authorized or especially appointed, to adjudicate cases of contravention of the Abkaree Laws, certifying the conviction of any individual, with a specification of the offence proved and penalty adjudged, shall be authority for the levying of any fine imposed, as therein specified, and for the detention of the person therein described in the Civil Jail of the District as may be therein prescribed,—provided always that it shall be competent to the Commissioner, upon appeal by the parties concerned, or of his own motion, to call for the papers and revise the proceedings in any case decided by such Superintendent, and to alter or reverse the judgment passed thereon, and a like power shall be possessed and exercised by the Board of Customs, Salt and Opium, or by any other Board possessing like authority whenever they think proper.

V. And it is hereby enacted, that any Officer employed in the Abkaree Department above the rank of Jemadar of Peons, who shall receive information that any person without a license is engaged in the manufacture of fermented or spirituous liquors, or in the preparation of intoxicating drugs, or has on his premises fermented or spirituous liqours or intoxicating drugs in such quantity as may render such person liable to the suspicion of secretly and illicitly trafficking in such articles, shall and is hereby authorised and required to take the deposition of the informer in writing, and if the information so given shall appear credible, so as to justify such proceeding, it shall further be competent to such Officer to enter and search such premises as may be declared by the informer to contain the illicit articles specified in his deposition, and to seize all illicit stills and materials of the kind used in manufacturing liquors and preparing drugs as well as all fermented or spirituous liquors, or intoxicating drugs, and to arrest the owner or occupant of the premises, together with all parties concerned in the transaction who may be found on the premises.

VI. And it is hereby enacted, that except in cases already provided for by Section XVIII. Regulation VII. of 1824, if any person or persons shall by threats or violence prevent the lawful arrest of any person by an Officer duly authorized to seize illicit stills, fermented or spirituous liquors, or intoxicating drugs and materials for the manufacture of the same, or shall procure by unlawful means his release after arrest, or shall obstruct any Officer duly authorized in making search for or seizure of any of the above mentioned illicit articles, or shall rescue such articles after seizure, or if the party found with any such illicit articles in possession, or any other person or persons shall resist such Officer in the execution of a legal process, such person or persons shall severally and respectively be liable on conviction before a Magistrate, to be sentenced for the same to pay a fine not exceeding 500 Rupees, commutable, if not paid, to imprisonment for a term not exceeding six months, provided that such person or persons shall be further liable, in the event of an affray or breach of the peace occurring, in consequence of his or their resistance, on conviction of the same before a competent tribunal to such punishment as is prescribed in the general rules applicable to cases of affray and breach of the peace in addition to the penalties above prescribed for the resistance of process.

VII. And it is hereby enacted, in modification of Clause 6, Section XXII. Regulation X. of 1813 of the Bengal Code, that if any person shall wilfully and maliciously give false information in respect to there being an illicit still or illicit stills, or fermented or spirituous liquors, or intoxicating drugs or materials prepared for the manufacture of spirituous liquors and drugs in any premises, and so procure that such premises shall be searched to the injury and vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, besides being subject to any other penalties or damages to which he would be subject under the general law, be liable to imprisonment with or without labor for a term not exceeding two years, and

to

to fine not exceeding 500 Rupees, commutable to a further term of imprisonment for six months if not paid.

VIII. And it is hereby enacted, that whenever any Officer of the Abkaree Department duly anthorized under Section V. of this Act shall arrest any person charged with an infraction of the Laws for the protection of the Abkaree Revenue, or shall seize any still, or fermented or spirituous liquors or intoxicating drugs, or enter any premises for the purpose of searching for such illicit articles, he shall make a full report of all the particulars of such arrest or seizure or search to his official superior, within twenty-four hours after the transaction has occurred.

IX. And it is hereby enacted, that whenever any person may be arrested by an Officer employed in the Abkaree Department or by any other Officer of other Departments duly empowered to make seizure of illicit stills or spirituous liquors, or intoxicating drugs, or materials prepared for the purpose of manafacturing spirituous liquors or intoxicating drugs, the person making the arrest shall be bound to carry the party arrested with all convenient despatch to the Officer of the Department who may be competent to try the case, and no person so arrested shall be released until the case shall have been brought to judgment in the manner provided by Law.

X. And it is hereby enacted, that any Officer who shall neglect to report all the particulars of an arrest, seizure, or search within 24 hours after the transaction has occurred, or who shall delay carrying the person arrested to the proper Officer with all convenient despatch, or who shall release or connive at the escape of the person arrested shall be liable, on conviction, to dismissal from his situation, and to pay a fine not exceeding 200 Rupees, and to imprisonment for a term not exceeding three months, and in case of nonpayment of the fine, to further imprisonment not exceeding three months, and the sentence shall be adjudged by any Officer competent to adjudicate cases of contravention of the Abkaree Laws.

XI. And it is hereby enacted, that it shall be lawful for any Officer employed in the Abkaree Department, to enter and inspect at any time, by day or by night, the shop or premises in which any licensed Abkar shall carry on the sale or manufacture of fermented or spirituous liquors, or intoxicating drugs or liquors, in order to satisfy himself that nothing is going on in contravention of the Abkaree Laws, or of the conditions of the licence.

XII. And it is hereby enacted, that if any Officer of the Abkaree Department be convicted before the Magistrate of any District, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for illicit stills, spirituous liquors, intoxicating drugs, or the materials for manufacturing the same, or of having vexatiously and unnecessarily arrested any person, or of committing any other excess not required for the execution of his duty, every such Officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid to a further imprisonment not exceeding six months.

XIII. And it is hereby enacted, that whenever in this Act or in any other law the terms "Officers employed in the Abkaree Department," are used they shall be deemed and construed to apply to such Officers as receive salary from and are appointed by the persons in charge of the Abkaree Department, in the District, or such Officers as the Commissioner of the Abkaree Revenue may by special delegation or appointment empower to act in relation to this branch of the Revenue.

XIV. And it is hereby enacted, that every person holding a license for the manufacture or sale of fermented or spirituous liquors or intoxicating drugs, shall preserve such license at the shop or premises specified in the body of the license, and shall exhibit

exhibit the license on the demand of any Abkaree Officer, who shall desire to inspect the same, and any such licensed manufacturer or vender who shall refuse, or be unable to produce his license on the demand of any Abkaree Officer, shall be liable on conviction before a magistrate to a fine not exceeding 200 Rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine to further imprisonment not exceeding a like term.

XV. And it is hereby enacted, that one moiety of all fines realized from persons convicted of the illicit possession or manufacture or sale of fermented or spirituous liquors or intoxicating drugs, excepting Opium, and of the proceeds from sale of articles confiscated, shall upon adjudication of the case be awarded to the Officer or Officers who may have apprehended the offender or seized the illicit articles, and the other half shall be given to the informer as provided in Clause 8, Section XXII. Regulation X. of 1813, and if no fine be realized, the Commissioner may recommend through the Board of Customs, Salt and Opium such reasonable reward, not exceeding the sum of 200 Rupees in each case as may appear to him fit,—provided however, that it shall be competent to the Board of Customs, Salt and Opium to prescribe by General Order what classes of Officers of the Department shall receive reward and what classes shall have no title to participate therein.

XVI. And it is hereby enacted, that any Officer employed in the Abkaree Department, who shall be convicted of conniving at the manufacture or sale of fermented or spirituous liquors without license, or by any licensed manufacturer or vender contrary to the terms of such license, shall be liable to the same penalties that would be incurred by the offender at whose act in contravention of the law he so connived.

XVII. And it is hereby enacted, that whenever any person shall be convicted of an infraction of the laws for protection of the Abkaree Revenue after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Dewanny Jail for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second, and the warrant of the Officer adjudicating any case under the provisions of this Section shall be authority for the Judge or other Officer in charge of the Dewanny Jail to hold the person described therein in confinement in such Jail, and for such time as may be specified and required in the said warrant.

ACT No. I. OF 1841.

Passed by the Right Honorable the Governor General of India in Council, on the 12th of April, 1841.

AN Act for facilitating the collection of the Revenue of Government and defining the interest intended to be conveyed by public sales for the realization of arrears of the Public Revenue in Putteedarree Estates.

Preamble. I. The Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the contracting Lumberdar, leaving him to proceed against the Putteedars by suit or distraint. But with reference to the peculiar nature of these coparcenaries the existing enactments appear to be insufficient on the one hand for the protection of the rights of the Putteedars, and on the other hand for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the Puttees of defaulting Putteedars in Putteedarree estates, and in not defining the interest intended to be conveyed by public sales of such estates.

II. A Putteedarree estate in this Act is held to be an estate which consists of two or more separate portions or Puttees, or of which there may be proprietors possessed of separate properties and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The proprietor who is a party in his own name is called a Lumberdar, and the proprietor who is not a party in his own name is called a Putteedar.

III. It is hereby enacted, that the following modes of duress may be enforced against all Putteedars whose tenure and interest may have been defined by a Settlement formed according to Regulation VII. of 1822 as modified by Regulation IX. of 1833, whether every such Putteedar be in sole occupation of his Puttee, or hold it in common with others.

1st. Issue of Dustucks in the same manner, and under the same limitation, as authorized by the rules in force for Lumberdars.

2d. Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against Lumberdars.

3d. Transfer of the defaulting Puttee in perpetuity to the members of any other Puttee which may not be in arrear.

4th.

4th. Annulment of the Settlement as regards the defaulting Puttee, and lease thereof to the members of any other Puttee which may not be in arrear or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting Puttee by public auction in which case the members of the remaining Puttees who may not be in arrear are authorized to bid.

IV. And it is hereby enacted, that on occasion of the sale by public auction of any Puttee, if the lot shall have been knocked down to a stranger, any Putteedar or other member of the coparcenary not being himself in arrear may claim to take the said Puttee at the sum last bid, provided that the said demand of pre-emption be made on the day of sale and before the Collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted, that the above methods be employed by the Collector or other Officers vested with the powers of Collector, under such limitation and control as Government or other superior revenue authorities shall see fit to prescribe or enforce.

VI. And it is hereby enacted, that the sale of any Puttee by public auction, shall be effected in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale according to the rules prescribed by law from time to time for the sale of an entire Mehal, and the Puttee after the sale shall have been duly confirmed shall be the absolute property of the purchaser, save and except the rights of those Ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any Puttee as above said no member of that Puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale no member of the Puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale unless the said member of such sold or transferred Puttee shall first execute a written engagement to pay rent to the purchaser or transferree at the rate demanded by the purchaser or transferree. Provided that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties to cause the same to be fixed by a jury of the vicinage in the mode directed by Sections V. to X. Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma Wasil Bakee and detailed Kuteonee of the Tehsildar signed and sealed by him, and countersigned by the Canoongoes and Putwarry, exhibiting in detail the amount paid by and arrear due from each Puttee shall be taken to be sufficient evidence of the arrear due from that Puttee, and these papers shall invariably be filed with the Collector's proceedings.

IX. And be it enacted, that the Collector be empowered to give possession to all purchasers and transferrees under this Act in the mode authorized by Clause III., Section XXIII. of Regulation VII. of 1822.

X. And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole Jumma, and to enforce the existing Regulations for the transfer or sale of the whole estate whenever it shall appear to them just and expedient. In every such case it is hereby declared in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the

coparcenary

coparcenary shall be annulled and forfeited, and the provision of Section VII. of this Act shall be applicable to every member of the Coparcenary.

XI. And it is hereby enacted, that the Governor General in Council may extend the provisions of this Act to any district to which with reference to the nature of the tenures prevalent therein its extension may be expedient, although no Settlement of such district may have been made under Regulations VII. of 1822, and IX. of 1833, and the order of Government, shall be sufficient authority for such extension.

ACT No. II. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th of May, 1841.

AN Act for regulating the sale of Ganja and Bhang within the Presidency of Bombay.

I. It is hereby enacted, that any person who shall sell by retail Ganja, or Bhang, within the Territories subject to the Presidency of Bombay, without having obtained a licence from the Collector of Land Revenue, in the manner hereinafter provided, shall be punishable by fine not exceeding 30 Rupees, or by imprisonment for one month.

II. And it is hereby enacted, that the Collector of Land Revenue in each Zilla shall grant to all persons applying for them, licences in the Form of Appendix A, to be in force for one year, and shall charge for the same a fee of such amount as the Governor of Bombay in Council shall from time to time determine.

APPENDIX A.

Form of Licence to retail Bhang or Ganja.

I, A B, Collector of ——— hereby licence C D, by caste ———, inhabitant of ———, to sell by retail Ganja and Bhang within the Village (Town or District) of ——— for one year from the date hereof.

(Signed) A B, *Collector.*

Collector's Office,
—— day of ———

ACT No. III. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th of May, 1841.

BENGAL SECRETARIAT LIBRARY.

An Act for the trial of Prisoners charged with the commission of certain offences within the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. Whereas it is expedient to extend the jurisdiction conferred upon the Court of Petty Sessions in Bombay by Rule, Ordinance and Regulation II. of 1827, Article I. Title IV. and to give the power of summary conviction to single Magistrates of Police in certain cases; It is hereby enacted, that all persons charged with the commission of Simple Larceny, or with receiving goods or property knowing the same to have been stolen within the Islands of Bombay and Colaba, and the Harbour of Bombay, may be tried summarily by the Court of Petty Sessions in Bombay, provided the value of the property the prisoner is charged with having stolen or received as aforesaid, does not, according to the belief of the said Court, exceed Twenty Rupees.

II. And it is hereby enacted, that the said Court of Petty Sessions shall not have power to sentence any such person to be imprisoned with or without hard labour for a longer period than twelve calendar months, or to be transported.

III. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions when any person is charged before them with either of the offences aforesaid, at its discretion, instead of trying such person, to commit for trial before Her Majesty's Supreme Court of Justice in Bombay.

IV. And it is hereby enacted, that it shall be lawful for a single Magistrate of Police in Bombay to exercise the power of summary conviction in all cases described in the following Rules, Ordinances, and Regulations;—provided that in cases of Simple Larceny the value of the property the prisoner is charged with having stolen, does not, according to the belief of the said Magistrate, exceed Ten Rupees.

Rule, Ordinance and Regulation I. of 1814.
Articles I., II. and III. of Title IV. of Rule, Ordinance and Regulation II. of 1827.
Title VI. of the same.
Title VIII. of the same.
Title IX. of the same.
Title X. of the same.
Articles III. and IV. of Title XI. of the same.

Such

Such Police Magistrate to have full power of summoning to appear before him all persons whose presence is necessary to promote the purposes of justice, and to have the same power of apprehending and punishing any person so summoned under the same circumstances as the Court of Petty Sessions is empowered under Act XVIII., Rule, Ordinance and Regulation III. of 1815.

V. And it is hereby enacted, that the said Magistrate of Police shall not have power to sentence any person to be imprisoned with or without hard labour for a longer period than three calendar months.

VI. And it is hereby enacted, that it shall be lawful for the Magistrate of Police when any person is charged before him under this Act in his discretion either to try such person or to commit him for trial before the Court of Petty Sessions or Her Majesty's said Supreme Court of Justice.

VII. And it is hereby enacted, that the Magistrate of Police after trying any offender charged before him by virtue of this Act, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say—

Be it remembered that on the ——— day of ——— in the year of our Lord ——— before me ——— Magistrate of Police in and for the said Town and Presidency, E. F. was duly convicted (here specify the alleged offence and the time and place when and where the same was committed as the case may be) and I the said Magistrate of Police believe the value of the property stolen to amount to a sum not exceeding Ten Rupees, that is to say, Rupees ——— and I adjudge the said E. F. (here state the punishment the prisoner is to suffer as the case may be.) Given under my hand the day and year first above named.

(Signed) ———

VIII. And it is hereby enacted, that upon any conviction for Simple Larceny or for receiving stolen goods, the authority before which such conviction shall have taken place shall have power to order the restitution of the property stolen, if forthcoming to the owner or his representative, and in case of its not being restored pursuant to such order to impose on any person refusing or neglecting to restore the same a fine not exceeding Twenty Rupees, and in default of payment, to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month, unless the property be sooner restored.

IX. And it is hereby enacted, that Article I., Title XIV., and Article III., Title XV. of Rule, Ordinance and Regulation II. of 1827, are hereby repealed. And it is enacted, that whenever any offender is convicted of any second or repeated offence, it shall be lawful for the Court of Petty Sessions to award a double punishment. Provided always, that in no case shall corporal punishment extend beyond 24 lashes, or imprisonment beyond twelve months.

X. And it is hereby enacted, that all fines and penalties hereafter to be awarded by the Court of Petty Sessions or the Police Magistrates in Bombay, or either of them, under this Act or otherwise, shall be levied in the manner provided in Act II. of 1839.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of the said Court of Petty Sessions or a Magistrate of Police through the means of the Writ of Certiorari.

ACT No. IV. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 17th of May, 1841.

An Act for regulating public conveyances in the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. It is hereby enacted, that all Hackney Carriages, Carts, Palankeens and other vehicles let to hire for the purpose of conveying persons or goods within the Islands of Bombay and Colaba, and all boats let to hire for such purpose within the Harbour of Bombay shall bear upon them, in manner as directed by the Superintendent of Police, on each side, in large English and Native figures or characters, a certain number to be indicated for every such public conveyance in manner hereinafter mentioned; and every person who shall let out to hire any such public conveyance after the expiration of two months from the day of passing this Act which shall not bear such number in manner aforesaid, or which shall bear any number not indicated as aforesaid, or after notice as hereinafter mentioned to withdraw the same, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Thirty Rupees.

II. And it is hereby enacted, that the numbers to be used for public conveyances shall be indicated by the Superintendent of Police on application of the owners of such conveyances, and it shall be lawful for the Court of Petty Sessions on proof of the breach of any provision of this Act by the owner of any such conveyance as aforesaid, to give such owner notice to withdraw the number which may theretofore have been indicated to him in manner aforesaid.

III. And it is hereby enacted, that every Teekabearer, Boatman, or other person employed in the conveyance of persons or goods as aforesaid by the owner of any such public conveyance shall wear, in manner as directed by the Superintendent of Police, a badge on the upper part of his right arm with the number of the public conveyance to which he belongs, which badge shall be indicated by the said Superintendent, in default whereof every person so employed and not having such badge as aforesaid, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time to settle the rates for the hire of such public conveyances as aforesaid, and the rates so settled, if sanctioned by the Governor of Bombay in Council, shall be published twice in the Government Gazette. And after such publication, if the owner or other person in charge of any such public conveyance as aforesaid shall receive or require any higher rate for the hire thereof, or shall refuse a fare

fare upon tender of the prescribed rate, the person or persons on whose application the number of such public conveyance shall have been indicated as aforesaid, or the person receiving or requiring such higher rate or refusing such fare, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees. Provided always, that no person shall be deemed to be liable to the penalty in this Section unless the settled rate of hire shall have been duly tendered. And any person refusing to pay the money due from him for the hire of any such conveyance according to the rate settled as aforesaid, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees, and no contract for hire under the settled rate shall be valid or binding on any owner of a public conveyance.

V. And it is hereby enacted, that the Superintendent of Police shall keep a Register containing a full description of applicants receiving numbers under this Act, and of every conveyance for which any number is obtained, and of every person for whom any badge is obtained, and every offender using or authorizing the use of any number or badge otherwise than for such particular conveyance or person, shall be liable on summary conviction, before the Court of Petty Sessions, to a fine not exceeding One Hundred Rupees.

VI. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions, from time to time, to appoint stands for public Carriages and Palkees. And every person in charge of any Carriage or Palkee found loitering off any such stand for the purpose of hire shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Ten Rupees.

VII. And it is hereby provided, that nothing in this Act contained shall extend to prevent any person from letting to hire any conveyance for a month or longer period without any such number being applied for as aforesaid.

VIII. And it is hereby enacted, that all fines imposed by virtue of this Act shall be recoverable in manner provided for by Act II. of 1839.

ACT No. V. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 31st of May, 1841.

An Act for the greater uniformity of the process upon Trials for State Offences, and the amendment of such process in certain cases.

Whereas it is expedient that the rules of process for the trials of state offences should be modified with a view to uniformity at the different Presidencies; and whereas some of the rules heretofore in force at particular Presidencies require amendment;—

It is hereby enacted, in modification of all Regulations and parts of Regulations affecting process upon trials for state offences, that it shall be competent for the ordinary tribunals to try charges of treason, rebellion or other crime against the state.

II. And it is hereby enacted, that it shall be competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion or crime against the state by one or more Judges, together with such Law Officers as shall be required or without any such Officer, according as it may be deemed expedient.

III. And it is hereby enacted, that the Courts convened under such Commissions are to try the prisoners brought before them in the same manner as in trials before the Ordinary Courts; and shall exercise all powers and authorities vested in such Courts, except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the highest Court of the East India Company for criminal matters of the Presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective Presidencies, or by any Act of the Governor General of India in Council, by the special orders which they may receive from the Executive Government, or from the highest Court of the East India Company for criminal matters in the Presidency.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the Judges, or Law Officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officer or Officers, shall be competent to form a Court, and proceed with the trial or trials, until provision can be made by the Government of the Presidency for supplying the place of such Judge or Judges, or Law Officer or Officers, if any such provision shall be deemed necessary; or if no such provision be made, the

the powers and proceedings of the said Courts shall not be affected by the death or absence of such Judge or Judges, or Law Officer or Officers.

V. And it is hereby enacted, that the highest Courts of the East India Company for criminal matters of the respective Presidencies on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the executive Government of the Presidency for the time being; and are to wait the orders of Government for the period of three calendar months before they direct their sentence to be carried into execution.

VI. And it is hereby enacted, that the Magistrates of the several Zillahs and Cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the Presidency to which their several Districts or Cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charged as aforesaid, or for making any enquiry respecting such persons, or for committing them to take their trials before the Ordinary Courts, or before the Special Courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.

ACT No. VI. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 7th of June, 1841.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort William in Bengal.

I. It is hereby enacted, that if any person after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the Territories subject to the Government of the Presidency of Fort William in Bengal, any Rum or Rum Shrub, which is the produce of any foreign Country, or of any British possession into which foreign Sugar or Rum can be legally imported, such Rum or Rum Shrub shall be seized by the Collector of the Customs, or by any other Officer authorized to seize and detain Contraband Goods, and shall be brought to confiscation according to the Rules in force for confiscating such Goods, unless the District in which such Rum or Rum Shrub is landed, or in which an attempt has been made to land such Rum or Rum Shrub, be a District in which the Governor General of India in Council has authorized the importation of such Rum or Rum Shrub, and it shall be lawful for the Governor General of India in Council to authorize the importation of such Rum and Rum Shrub into any District of the Territories aforesaid by an Order in the Official Gazette.

II. And it is hereby enacted, that if any owner of Rum or Rum Shrub, the produce of the said Territories, or the duly authorized Agent of such Owner, be desirous to obtain a Certificate of origin from the Collector or Assistant Collector of the Land or Customs Revenue of any District within the said Territories, or from any other Officer appointed by the Governor General of India in Council to give such Certificates, such Owner or Agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the Form contained in the Schedule hereunto annexed marked A, and to the said Declaration shall be appended a Certificate to its verity from any Government Officer who may be attached to the Distillery where such Rum or Rum Shrub is declared to have been manufactured in the form prescribed in the said Schedule A.

III. And it is hereby enacted, that if the District be one into which the Governor General of India in Council has not, by any Order, authorized the importation of Foreign Sugar or Rum, or of Sugar or Rum the growth or produce of any British possession into which Foreign Sugar or Rum can be legally imported, then the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a Certificate in the form contained in the Schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship Rum or Rum Shrub from any place within the said Territories for any part of the United Kingdom, shall

shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs a Certificate, such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such Declaration fraudulent and untrue, grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that the Owner of Rum or Rum Shrub intended for exportation under this Act, or the duly authorized Agent of such Owner shall not be entitled to any of the Certificates described in this Act unless such Rum or Rum Shrub shall be the produce of a Distillery worked according to law in the European method under License from the Board or other authority vested with the management of the Revenue derived from the Abkarry or Tax on Spirits.

VII. And it is hereby enacted, that the Rum and Rum Shrub manufactured for exportation to the United Kingdom under this Act at any Licensed Distillery shall be manufactured pure without admixture of Spirits made from Rice, Grains, or any other substance or substances not being the produce of the Sugar Cane or of the Date or Palm-tree, and shall be so declared and verified at the time of application for a Certificate of Origin according to the form of Schedule A.

VIII. And it is hereby enacted, that if any Rum or Rum Shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same with the casks or materials in which it is contained shall be seized and confiscated, and the party or parties upon whose Declaration Certificate of manufacture free from adulteration or mixture may have been granted for the admission of such Rum or Rum Shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such Declaration, shall be proceeded against for the false and fraudulent Declaration as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court as would be competent to try such person for perjury, be punished as in cases of perjury; and every person procuring another person to affirm such untruth shall be liable to be punished as in cases of subornation of perjury, and any Officer of Government subscribing an attestation to the verity of such Declaration knowing the same to be untrue, shall be subject to a like penalty as the false Declarant, besides dismissal from the employment of Government.

SCHEDULE A.

I, A B, solemnly declare that all the Rum or Rum Shrub hereinunder described is the produce of the Licensed Distillery named———in the District of———, and that the said Rum or Rum Shrub is the produce of the Sugar Cane, Date, or Palm-tree, and wholly free from any admixture of Spirits manufactured from Rice, Grains, or any other substance whatever.

(Signed) A B.

The —— day of —— 18—.

* I, B B,

* I, B B, Government Officer in charge on the part of Government of the ——— Distillery, do hereby certify that the above is a true and correct Declaration.

B B,
Govt. Officer attached to the
——— *Distillery.*

Description of the ——— to which the above Declaration relates.

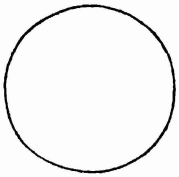
Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Packages.

(Signed) A B.

The ——— day of ——— 18—.
Collector's number ———.
Collector's date ——— of ——— 18—.

(Signed) Y Z, *Collector.*

Seal of the Collector.



SCHEDULE B.

I, C D. Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the District of ——— do hereby in conformity with the provisions of Act ——— grant this Certificate under my hand and seal, that the Rum or Rum Shrub described in the Declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of ——— 18 ——, dated the ——— of ——— 18 ——, and signed by ——— Manager or Owner of the Licensed Distillery called ——— is the produce of the District of ——— and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum and of Sugar and Rum the growth or produce of any British possessions into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District of ———.

L. S

This —— day of ——— 18 ——. (Signed) C D.

* This Declaration must be drawn out before the Rum leaves the Distillery in order that the attestation of the Government Officer may be attached.

ACT No. VI. OF 1841.

SCHEDULE C.

I, E F, Shipper of the Rum or Rum Shrub hereinunder described, solemnly declare, that all the Rum or Rum Shrub hereinunder described, is, to the best of my knowledge and belief, the same Rum or Rum Shrub to which the Certificate now produced by me relates.

(Signed) E F.

Description of ——— to which this Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

The ——— day of ——— 18 ——. (Signed) E F.

SCHEDULE D.

I, R W, Collector of Customs, (or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the Port of ———, certify under my hand and seal, that there has been produced to me by E F, the Shipper of the Rum or Rum Shrub hereinunder described, a Certificate under the hand and seal of C D, Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the District of ———, in the Territories forming part of the Presidency of Fort William or Agra, which Certificate certifies that the said Rum or Rum Shrub is of the produce of the said District, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum, or Sugar and Rum the growth or produce of any British possession into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District.

L. S. (Signed) R W,
Collector of Customs.

The ——— day of ——— 18 —.

Description of the ——— to which the Certificate relates.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel

(Signed) R W,
Collector of Customs.

ACT No. VII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 14th of June, 1841.

An Act for a more uniform and an improved process for taking the examination of absent witnesses.

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any Presidency, are hereby repealed.

II. And it is hereby enacted, that it shall be lawful for any Court within the Territories under the Government of the East India Company, and the several Judges thereof, in every Civil proceeding depending in such Court, upon the application of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any Officer of and such Court, or other person or persons named in such order, of any witnesses within the jurisdiction of the Court where the proceeding shall be depending, or to order a Commission to issue to any subordinate Court for the examination of such witnesses upon interrogatories or otherwise, or to order a Commission to issue to any other Court for the examination of witnesses at any place or places out of such jurisdiction upon interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions for taking such examinations as well within the jurisdiction of the Court wherein the proceeding shall be depending as without as may appear reasonable and just; provided always, that any Court to whom any such Commission shall be directed shall take the examination in open Court in all cases where witnesses are able to attend in Court and are not exempted from attendance by law, absolutely, or at the discretion of the Court. Provided also, that such Commissions as aforesaid for the examination of witnesses out of such jurisdiction may be directed otherwise than to some Court under special circumstances which may appear to the Court issuing the Commission to render such special direction expedient. Provided also, that all Commissions issued and Orders made by any Court of the East India Company, and which are required to be executed within the local limits of any of Her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

III. And it is hereby enacted, that when any Order shall be made for the examination of witnesses within the jurisdiction of the Court wherein any such proceeding as aforesaid shall be depending by the authority of this Act, it shall be lawful for the Court or any Judge thereof in and by the first Order to be made in the matter, or any subsequent Order to command the attendance of any person to be named in such Order, and to direct the attendance of any such person to be at his own place of residence or elsewhere, if necessary or convenient so to do, and to produce all necessary documents and papers. And the wilful disobedience to any such Order shall be deemed

a contempt of Court and punishable as in other cases of refusing or neglecting to give testimony. Provided always, that every person whose attendance shall be required under this Act shall be entitled to the like payment for expenses and loss of time as upon attendance in Court in cases where such expenses are now allowed.

IV. And it is hereby enacted, that it shall be lawful for every Court or person authorized to take the examination of witnesses by any Order or Commission issued in pursuance of this Act, and they are hereby authorized and required to take all such examinations upon oath or affirmation where an affirmation is admissible or required upon a trial, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

V. And it is hereby enacted, that before any Order or Commission for the examination of any witness under this Act shall be issued, the Court or Judge issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination by reason of absence from the jurisdiction, sickness or other cause allowed by law. And before granting any such Commission, the Court granting the same shall make particular enquiry as to the present residence of the witness whose deposition is to be taken under such Commission, and as to the Court of the same degree as the Court granting such Commission, or of inferior degree to such Court which may be nearest to the place of residence of the witness, and the Commission shall ordinarily be directed to such Court of equal or inferior degree as may most conveniently execute the same. Provided however, that if there be doubt as to which is the most convenient Court of equal or inferior jurisdiction, such Commission may be directed to the Judge having jurisdiction within the district within which the Commission is to be executed. And the Judge shall at his discretion execute the Commission in his own Court, or direct it to any subordinate Court within his District, which shall have the same effect for all the purposes of this Act as if the Commission had in the first instance been directed to such subordinate Court. And no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant without collusion more than 50 coss from the place where the Court is held, or exempted by law, absolutely or at the discretion of the Court, from personal appearance in Court, or unless the Court shall at its discretion dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court at its discretion to authorize the reading of the deposition. And all depositions taken under this Act, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

VI. And it is hereby enacted, that any Court other than one of Her Majesty's Courts, or any Judge thereof, may issue such Commissions as aforesaid, and such Orders as are indicated in the second and third Sections of this Act to be executed within the local limits of the jurisdiction of any of Her Majesty's Courts, and all such Commissions and Orders except when directed otherwise than to a Court, shall be directed to a Court of Requests having jurisdiction within such limits or any part thereof.

VII. And it is hereby enacted, that such Commissions and Orders as aforesaid may be issued for execution under this Act within the territories of Princes and States in

in alliance with the East India Company, and all persons within such last mentioned territories being in the service of the East India Company are hereby required to pay obedience thereto, and for disobedience thereof shall on being found within the jurisdiction of the Court, or Judge issuing any such Commission or Order be punishable in like manner, as if such offence had been committed within such jurisdiction; and for giving false testimony under the same shall be punishable by any Court of Justice within the territories of the East India Company.

VIII. And it is hereby enacted, that whenever the evidence of any absent witness shall be required out of the jurisdiction of the Court in which the proceedings for which the evidence is wanted may be pending and the Commission shall be directed to any Court, such Court may punish the wilful disobedience of any such Order as aforesaid as a contempt notwithstanding it shall not itself have made such Order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony

ACT No. VIII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 21st of June, 1841.

An Act to enable Her Majesty's Supreme Courts within the Territories of the East India Company to give relief against adverse claims made upon persons having no interest in the subject of such claims.

I. Whereas it often happens that a person sued at Law for the recovery of Money or Goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in Equity against the Plaintiff and such third party, usually called a Bill of Interpleader, which is attended with expence and delay;

It is hereby enacted, that upon application made by or on the behalf of any Defendant sued in any of Her Majesty's Supreme Courts in any action of Assumpsit, Debt, Detinue, or Trover, such application being made after declaration and before plea by Affidavit or otherwise, showing that such Defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such Defendant does not in any manner collude with such third party, but is ready to bring into Court or to pay or dispose of the subject matter of the action in such manner as the Court (or any Judge thereof) may order or direct, it shall be lawful for the Court, or any Judge thereof, to make rules and orders calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations as well of such third party as of the Plaintiff, and in the mean time to stay the proceedings in such action, and finally to order such third party to make himself Defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be Plaintiff or Defendant on such trial, or with the consent of the Plaintiff and such third party, their Counsel or Attornies to dispose of the merits of their claims, and determine the same in a summary manner, and to make such other rules and orders therein as to cost and all other matters as may appear to be just and reasonable.

II. And it is hereby enacted, that the judgment in any such action or issue as may be directed by the Court or Judge, and the decision of the Court or Judge in a summary manner, shall be final and conclusive against the parties and all persons claiming by, from, or under them.

III. And it is hereby enacted, that if such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect

neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the Court or Judge to declare such third party, and all persons claiming by, from, or under him to be for ever barred from prosecuting his claim against the original Defendant, his Executors or Administrators; saving nevertheless the right or claim of such third party against the Plaintiff; and thereupon to make such order between such Defendant and the Plaintiff, as to costs or other matters, as may appear just and reasonable.

IV. And it is hereby provided, that every order to be made in pursuance of this Act by a single Judge not sitting in open Court, shall be liable to be rescinded or altered by the Court in like manner as other orders made by a single Judge.

V. And it is hereby enacted, that if upon application to a Judge, in the first instance or in any later stage of the proceedings, he shall think the matter more fit for the decision of the Court, it shall be lawful for him to refer the matter to the Court, and thereupon the Court shall and may hear and dispose of the same in the same manner as if the proceeding had generally commenced by the rule of Court instead of the order of a Judge.

VI. And whereas difficulties sometimes arise in the execution of process against Goods and Chattels issued by or under the authority of the said Courts, by reason of claims made to such Goods and Chattels by Assignees of Bankrupts and other persons not being the parties against whom such process has issued, whereby Sheriffs and other Officers are exposed to the hazard and expence of actions; and it is reasonable to afford relief and protection in such cases to such Sheriffs and other Officers, it is therefore hereby further enacted, that when any such claim shall be made to any Goods or Chattels taken or intended to be taken in the execution under any such process or to the proceeds or value thereof, it shall and may be lawful to and for the Court from which such process issued, upon application of such Sheriff or other Officers made before or after the return of such process, and as well before as after any action brought against such Sheriff or other Officer, to call before them by rule of Court as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the Sheriff or other Officer, all or any of the powers and authorities hereinbefore contained, and make rules and decisions as shall appear to be just, according to the circumstances of the case, and the costs of all such proceedings shall be in the discretion of the Court.

VII. And it is hereby enacted, that all Rules, Orders, Matters and Decisions to be made and done in pursuance of this Act except only the Affidavits to be filed, may, together with declaration in the cause if any, be entered of record with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times if required, and to secure and enforce the payment of costs directed by any such Rule or Order, and every such Rule or Order so entered shall have the force and effect of a judgment except only as to becoming a charge on any Lands, Tenements or Hereditaments; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his Agent or Attorney, execution may issue for the same by Fieri Facias, or Capias ad satisfaciendum, adapted to the case, together with the costs of such entry, and of the execution if by Fieri Facias, and such Writ or Writs may bear Teste on the day of issuing the same, whether in term or vacation, and the Sheriff or other Officer executing any such Writ shall be entitled to the same fees, and no more as upon any similar Writ grounded upon a judgment of the Court.

ACT No. IX. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 28th of June, 1841.

AN Act concerning the adjudication of certain penalties imposed by Act XXV of 1840, for the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

I. It is hereby enacted in modification of Section XIV. Act XXV. of 1840, that offenders punishable under the said Section of the said Act, shall be liable to a fine not exceeding 200 Rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to imprisonment not exceeding the same term. And the sentence shall in every case, be adjudged by a Superintendent of Abkaree Revenue indicated in Section II of the said Act.

ACT No. X.. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council on the 5th July, 1841.

An Act for prescribing the Rules to be observed, in order that ships or vessels belonging to ports within the territories, under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council, made in pursuance of the Stat. 3d and 4th Victoria Ch. LVI.

Preamble.

I. WHEREAS by a Statute passed in the 3d and 4th years of Her Majesty Queen Victoria, entitled "An Act to regulate "the trade of ships built and trading within the limits of the "East India Company's Charter," it is enacted "that it shall "be lawful for the Governor General of India in Council, by "Proclamation, to declare that all ships or vessels built or to be "built within the limits of the Charter of the East India "Company, being owned by Her Majesty's subjects for whom "the said Governor General in Council has power to legislate,

and

" and belonging, under the Regulations hereinafter provided
" for, to any ports in the territories under the Government
" of the said Company, shall be deemed to be British ships for
" all the purposes of trade within the said limits, including the
" Cape of Good Hope, and the territories and dependencies
" thereof; provided that upon such declaration being made the
" said Governor General in Council shall, and the said Go-
" vernor General in Council is hereby accordingly empowered
" to make Regulations, to be enforced by suitable penalties,
" concerning the registering, licensing and ascertaining the
" admeasurement of the tonnage and burden, and generally for
" the trading within the limits aforesaid of such ships or vessels."
And whereas it is further enacted in the same Statute as follows,
that is to say, " And whereas it may be expedient to admit to
" similar privileges and advantages any ships or vessels belong-
" ing to Native Princes or States in subordinate alliance with,
" or having subsidiary treaties with the East India Company, or
" owned by subjects of any such Princes or States, be it therefore
" enacted that the Governor General of India in Council may
" by such Regulations as aforesaid, such regulations being
" subject as aforesaid, admit to the privileges and advantages of
" British ships for the purposes of trade within the limits of the
" Charter of the said Company, including the Cape of Good
" Hope, and the territories and dependencies thereof, or to any
" of such privileges and advantages, any ships or vessels belong-
" ing to such Princes or States, or any of them, or owned by
" subjects of any such Princes or States; but any such Regula-
" tions shall provide for the granting to such ships or vessels fit
" and convenient licences or passes, and generally for the trading
within

"within the limits aforesaid of such ships or vessels." And whereas in pursuance of such enactments it is expedient to frame such Regulations as are mentioned therein the compliance with which shall be required in order that ships or vessels may be deemed British ships, or be admitted to the privileges and advantages of British ships under such Proclamation as aforesaid;

Ships to be Registered. Certificate of Registry.

It is hereby enacted, that no ship or vessel shall be deemed a British ship under such Proclamation as aforesaid (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof) unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned within the territories of the East India Company, and shall have obtained a certificate of such registry from the person or persons authorised to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows:

"This is to certify, that in pursuance of the Act No. X of 1841, of the Governor General of India in Council (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act and having declared that (he or they) together with (names, occupations and residence of non-subscribing owners,) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship or vessel called the (ship's name) of (place at which the vessel shall be registered) which is of the burthern of (number of tons), and whereof (master's name) is

master

master, and that the said ship or vessel was (when and where built) and (name and employment of Surveying Officer) having certified to us, that the said ship or vessel has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned) that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head : and the said subscribing owners having consented and agreed to the above description, the said ship or vesssel called the (name) has been duly registered at the port of (name of port), certified under our hands at the Custom House, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

(Signed) ——— Collector or Registrar of Shipping.

And on the back of such certificate of registry, there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following :

Names of several owners within mentioned.	*Number of shares held by each owner.*	
Name	.....	Thirty two.
Name	....	Sixteen.
Name	. ...	Eighth.
		&c. &c."

(Signed) ——— Collector.

II.

II. And it is hereby enacted, that the ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the local Governments of India, as such Governments respectively may, from time to time, declare to be registering ports under this Act. Provided, that ships or vessels built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered. Provided that such ships or vessels so proceeding on their first voyage as aforesaid shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry the owner or owners, or master or other person having or taking the command or charge of such ship or vessel shall be liable on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies to a penalty not exceeding 5,000 rupees.

Ports of Registry.

III.

Registrars

III. And it is hereby enacted, that the persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the persons now authorized to make registry of ships or vessels under the Statute 3 and 4 W. 4. Ch. 35, and such other or different persons as the local Governments may from time to time appoint for the ports under their respective Presidencies.

Book of Registry.

IV. And it is hereby enacted, that at every port where registry shall be made in pursuance of this Act a book shall be kept by the Registering Officer in which all the particulars contained in the form of the certificate of the registry hereinbefore directed to be used shall be duly entered; and every registry shall be numbered in progression beginning such progressive numeration at the commencement of each and every year. And such Registering Officer shall forthwith, or within one month at the furthest, send to the Government of the Presidency to which he is subordinate a true and exact copy, together with the number of every certificate which shall be by him so granted.

Declaration.

V. And it is hereby enacted, that no registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship or vessel required to be registered.

I, A. B, of (place of residence and occupation) do truly declare that the ship or vessel (name) of (port or place) whereof (master's name) is at present master, being (kind of built, burthen,

et

et cetera, as described in the certificate of the Surveying Officer) was (when and where) built, and that I the said (A. B.) and the other owners (names and occupations if any and where they respectively reside) am (or are) sole owner (or owners of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said (A. B.) and the said other owners (if any) am (or are) truly and bona fide a subject (or subjects) of Her Majesty for whom the Governor General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship or vessel. Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the local Government to which he is subordinate.

VI. And it is hereby enacted, that in case the required number of joint owners of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the

the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Measurement to be made.

VII. And in order to enable the Registering Officer to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other Officers of Customs on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, it is hereby enacted, that previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the local Governments respectively, taking to his or their assistance if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships, shall go on board of every such ship or vessel that is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the built, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited to the Officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate

certificate of such Surveying or Examining Officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

VIII. And it is hereby enacted, that from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered, shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule; (that is to say) divide the length of the upper deck between the afterpart of the stem and the forepart of the stern post into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts and measure the inside breadths at the following points, videlicet, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum

Rules of measurement.

sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth and height of such part thereof as may be included within the bulk head; multiply these three measurements together and dividing the product by 92.4 the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Measurement of Steam-vessels.

IX. And it is hereby provided, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine room shall be determined in the following manner; that is to say, measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room.

X.

X. And it is hereby provided, that the tonnage due to the cubical contents of the engine room and also the length of the engine room shall be set forth in the certificate of registry as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine room, or of such length of the engine room, after registry, shall be deemed to be an alteration requiring registry de novo within the meaning of the said Act for the registering of ships or vessels.

Alterations in Steam vessels requiring new Registry.

XI. And it is hereby enacted, that for the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established; (that is to say,) measure, first, the length on the upper deck between the after-part of the steam and the forepart of the stern-post; secondly, the inside breadth on the underside of the upper deck at the middle point of the length; and, thirdly, the depth from the underside of the upper deck down the pump-well to the skin, multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

Measurement of laden vessels.

XII. And it is hereby enacted, that the true amount of the register tonnage of every merchant ship or vessel belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length on

Registered tonnage to be marked

on the main beam of every such ship or vessel, prior to her being registered.

Country Craft not exceeding 200 tons.

XIII. And it is hereby provided that Country Craft employed in coasting voyages not exceeding the burden of 200 tons, may be registered and the tonnage marked according to rules to be prescribed from time to time by the respective local Governments.

Registered tonnage to be repeated in every subsequent register.

XIV. And it is hereby enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the ~~rules herein prescribed~~ such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form of burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

Fraudulent use of Certificate.

XV. And it is hereby enacted, that if such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person or persons whatever than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the master or any owner of the ship or vessel who shall be proved to have sold, lent, or disposed of such certificate or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable upon conviction by

by information as aforesaid to a penalty not exceeding 10,000 rupees. And in case such ship or vessel shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown ~~or the East India Company~~, or shall under any circumstances have been registered de novo, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the territories of the East India Company to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable on conviction by information as aforesaid in a penalty not exceeding 5,000 rupees. And if any person not being such subject as aforesaid shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the territories of the East India Company, then and in such case the certificate of registry shall within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the Registering Officer at such port, and if such ship or vessel shall be in any place not within the territories of the East India Company when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or vessel, or of the master thereof in any port of the territories of the East India Company to the Registering Officer

at

at such port in default wherof the master or any of the owners shall be liable on conviction before any Justice of the Peace in a penalty not exceeding 5,000 rupees recoverable in manner provided by ~~Act No. II of 1839~~.

Change of Master.

XVI. And it is hereby enacted, that when and so often as the master of any ship or vessel registered in manner herein before directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry and grant such certificates of registry at the report where such change shall take place, if it be a port within the territories of the East India Company, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the territories of the East India Company, then such delivery, memorundum and indorsement shall be made and notice given at the first port within the territories of the East India Company at which the new master shall arrive after such change. In default of which delivery of the certificate such new master or any of the owners shall be liable on conviction before a Justice of the Peace, to a penalty not exceeing 5,000 rupees recoverable as aforesaid

XVII.

XVII. And it is hereby enacted, that it shall not be lawful for any owner or owners of any ship or vessel, to give any name to such ship or vessel other than that by which she was first registered in pursuance of this Act, and ~~that~~ the owner or owners of all and every ship or vessel which shall be so registered, shall, before such ship or vessel after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs in a distinct and legible manner, and shall so keep and preserve the same, and ~~that~~ if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper, or other dacument describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any Officer or Officers of Revenue in the due execution of his or their duty, then and in every such case the certificate of registry shall thenceforth become utterly void, and such owner or owners, or master or other person having or taking the charge or command of such ship or vessel shall be liable on information as aforesaid to a penalty not exceeding 10,000 rupees.

Name of Ship.

XVIII.

Certificate of building.

XVIII. And it is hereby enacted, that all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall, and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full particular under the hand of the builder of such ship or vessel, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

Certificate lost or mislaid.

XIX. And it is hereby enacted, that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered de novo, and a certificate thereof to be granted. Provided always that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license

for

for the present use of such ship or vessel, which license shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thenceforth become utterly void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable on conviction before any Justice in a penalty not exceeding 5000 rupees recoverable as aforesaid.

Detention of Certificate.

XX. And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted, it is therefore hereby enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel, or not,) shall wilfully detain and refuse to deliver up the same to the proper Officers of Customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners

owners thereof, it may and shall be lawful to and for any such last mentioned person to make complaint on oath of such detainer and resual to any Instice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal, and if it shall appear to the said Justice on examination of such person or otherwise the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject on conviction before such Justice to a penalty not exceeding 1,000 rupees, recoverable as aforesaid, and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel who shall on the terms and conditions of law being complied with make registry of such ship or vessel de novo, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered de novo; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Justice cannot be executed upon him, and proof there of shall be made to the satisfaction of the Registering Officer of the port at which the ship or vessel was registered, it shall be lawful for the said Officer to permit such ship or vessel to be registered de novo, or otherwise, in his discretion, to grant a license for the present use of such ship or vessel in like manner as is hereinbefore

provided

provided in the case wherein the certificate of registry is lost or mislaid.

XXI. And it is hereby enacted, that if any ship or vessel after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered de novo in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within the territories of the East India Company, on failure whereof such ship or vessel shall be deemed to be a ship or vessel not duly registered, and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered de novo, shall be liable on conviction before any Justice to a penalty not exceeding 5,000 rupees recoverable as aforesaid.

Registration de novo.

XXII. And whereas great inconvenience may arise from the Registering Officers being served with subpœnas requiring them to bring with them and produce, on trials in Courts of Law relative to the ownership of vessels, or otherwise the declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom. And whereas it would tend much to the dispatch of business if the attendance of such Registering Officers with the same upon such trials were dispensed with, it is therefore

Testimony of Registering Officers.

therefore hereby enacted, that the Registering Officer at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her or their inspection and examination any declaration made by any such owner or owners, and also any register or entry in any book or books of registry required, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy and copies of any such oath or declaration, registry or entry, shall upon being proved to be true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any Registering Officer, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such original or originals if produced by any Registering Officer, or other person or persons acting for them, could or might legally be admitted or received in evidence.

False declaration.

Falsifying documents

XXIII. And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrumemt so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person

or

or persons shall for every such offence be liable on conviction upon information as aforesaid to a penalty not exceeding 10,000 rupees. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

Ships of Native States.

XXIV. And it is hereby enacted, that when any ship or vessel duly registered under this Act, or sailing under the British Navigation Law, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State as aforesaid, it shall be lawful for a local Govt. ~~for the Governor of Fort William in Bengal, or for the Governor in Council of any Presidency~~ to continue to such ship or vessel the privileges and advantages of a British ship for the purposes aforesaid by a pass to be ~~issued under the Company's Seal and~~ subscribed by a Secretary to Government, stating the voyage or voyages for which the same is to have effect. and the period for which it is to last; and it shall be lawful for a local Govt. ~~for the Governor of Fort William in Bengal, or the Governor in Council of any Presidency~~, to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship or vessel built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of their subjects, provided always, that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted be commanded by a subject of Her Majesty for whom the Governor General in Council has power to legislate.

Sectio 6

XXV.

Fees.

XXV. And it is hereby enacted, that the fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor General in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships or vessels at the different Presidencies.

Ports to which ships belong.

XXVI. And it is hereby declared and enacted, that all ships or vessels registered under this Act, shall be deemed to belong to the ports at which they shall be respectively registered. And all ships or vessels being registered or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall for the purpose of being deemed British ships be deemed to belong to the ports at which they may have been registered or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. And such ships or vessels built and owned as required by the Statute 3 and 4 Vict. Ch. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the resgistering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretofore have been necessary in order that ships or vessels built and owned as aforesaid might be deemed British ships for the purposes of trade.

PROCLAMATION.

ACT No. X. OF 1841.

PROCLAMATION.

The Governor General of India in Council hereby declares that all ships and vessels built or to be built within the limits of the Charter of the East India Company (as those limits are defined by the Statute 3d and 4th of Queen Victoria Cap. 56, entitled "An Act further to regulate the trade of ships built and trading within the limits of the East India Company's Charter,") being owned by Her Majesty's subjects for whom the said Governor General in Council has power to legislate and belonging under the provisions of the Act passed by the Governor General in Council No. X. of 1841, to any ports in the territories under the Government of the East India Company shall be deemed to be British ships for all purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof.

Amendments.	Repeal.	Amending Act.
To this Act add the following schedule :— ...	.....	Act VII of 1891

"THE SCHEDULE.

"(*See section* 8.)

Calcutta :—1841.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

V. And it is hereby enacted, that the forms of proceeding in every such Court shall be conformable to the usages observed on trials before Courts Martial held for the Native Troops in the service of the East India Company as far as the same are applicable. And any such Court shall have the like power of summoning witnesses as is possessed by Courts Martial. Provided always, that every such Court shall have the power of examining the parties to any suit and of requiring or dispensing with their attendance at its discretion. And every such Court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the Civil Courts of the East India Company, under Act No. VII. of 1841, provided that the depositions taken under a Commission issued by any Military Court of Requests shall be receivable in evidence before any such Court subsequently held: Provided also that Commissions may be issued by Military Courts of Requests under this Act pursuant to the provisions of Act No. VII. of 1841, notwithstanding the Courts to which the Commissions may be directed are not situate beyond the jurisdiction of such Military Courts.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury, shall be tried and punished, if amenable to Articles of War, by a Court Martial, subject to all the Rules contained in such Articles of War for the punishment of such offences in regard to trials for Military offences; and if not amenable to Articles of War, they may be tried and punished in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not) in like manner as if such offences had been committed in regard to any trial before such nearest Court.

VII. And it is hereby enacted, that any person, Civil or Military, European or Native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not), the proceedings of any Military Court of Requests, shall be punishable, if amenable to Articles of War by a Court Martial, or if not amenable to Articles of War, in the nearest of the Courts of the East India Company for the administration of Criminal justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not), in like manner as if the offence had been committed in regard to any proceeding of the Court to which it is so referred.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any Military Court of Requests. And such record shall contain the substance of the evidence given and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the Members of the said Court. And such record or a copy thereof shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European President, or Superintending Officer of every such Court to the Officer Commanding the Station or Cantonment.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 Rupees, or where several separate demands shall exceed such amount, no more shall be recoverable from any one defendant by the same plaintiff or plaintiffs than the sum of 200 Rupees only—and the judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of the same demand or of any other or further demand for the same cause of action in any other Court whatever, provided that the liability accrued before the time of instituting the suit in the Military Court —and it shall be competent for every such Military Court to investigate any counterclaim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions. And every contract made after the passing of this Act upon which a demand for debt exceeding

exceeding 20 Rupees is founded, not being money due for goods bought and delivered, shall be in writing and expressed in the language of the defendant and signed by him, or on his behalf by some other person than the plaintiff. Provided that it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years, unless a direct promise to pay made within six years of the commencement of the suit be proved.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend either personally or by representative, or to produce his witnesses according as he shall be required by any Military Court of Requests, such Court on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

XI. And it is hereby enacted, that it shall be lawful for the Commanding Officer to whom the proceedings have been transmitted as aforesaid to return the same for revision either by the same or another Military Court of Requests. And in every such case the second decree shall be final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always that in the case of any new trial the Court may receive evidence which was not adduced at the first trial.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing and shall deliver the same to the Station Staff-Officer. The claims shall be entered in a Schedule by the Station Staff-Officer, which Schedule is to be sent to Adjutants of Corps or Heads of Departments two days at least before the assembly of the Court, and the Adjutants or Heads of Departments shall be responsible that the defendants belonging to their respective Corps or Establishments have been duly summoned.

XIII. And it is hereby enacted, that every decree of any Military Court of Requests shall be published in the Station Orders before the same is executed.

XIV. And it is hereby enacted, that the execution of decrees of Military Courts of Requests may be either general or special, according to the sentence of the Court. Provided always that the Commanding Officer may, notwithstanding the direction of the Court, order that the execution shall be general or special at his discretion.

XV. And it is hereby enacted, that in cases in which, the execution is to be general, the debt if not paid forthwith, shall, under the authority of the Commanding Officer in writing to be signed by him, be levied by seizure and public sale of such of the Debtor's Goods (under which term are included houses or other erection within the limits of Stations and Cantonments) as may be found within the limits of the Station or Cantonment, or elsewhere; and if sufficient Goods are not to be found, the debtor, if not a Soldier, shall be arrested and imprisoned in any Civil Gaol near to the Station or Cantonment, (for which purpose the provisions of Act No. II. of 1840 shall be applicable) or in any other convenient place of confinement situate within the limits of the Station or Cantonment, for the space of two months, unless the debt be sooner paid, and his Goods, if found within the limits of the Station or Cantonments or elsewhere at any subsequent time, shall be liable to be seized and sold in satisfaction of the debt. And if the debtor be a Soldier and the debt be not liquidated by sale of his Effects, Accoutrements and Necessaries excepted, an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the Rules which follow.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor and not otherwise. And a certificate

a certificate of the decree and direction or order thereon certified under the hand of the Commanding Officer and signed by him, shall be a sufficient authority for making such stoppages. Provided always that no more than one-half of the pay and allowances of any Commissioned Officer, or than one-fourth of the pay and allowances of any non-Commissioned Officer or Soldier shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the Frontier of the Territories of the East India Company, actions of debt and other personal actions may be brought before such Military Courts as aforesaid against persons so amenable as aforesaid for any amount of demand: Provided that such Military Courts beyond the Frontier shall be composed of European Officers—and provided, that if the amount of claim shall exceed 200 Rupees an appeal shall lie to the Court of Sudder Adawlut of the nearest Presidency according to the rules in force with regard to appeals from subordinate Civil Courts.

XVIII. And it is hereby enacted, that this Act shall not affect the proceedings upon any suit heretofore commenced or which shall be commenced before the Tenth day of August next.

ACT No. XII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th of July, 1841.

An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.

Preamble.

I. Whereas it is deemed expedient with a view to the benefit of the Agricultural Community, to regulate the number of periodical sales of Estates for arrears of Revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of Mehals, the whole of the Land Revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the Land Revenue;—

Regulations rescinded.

It is hereby enacted, that Sec. 2, Reg. XIV. 1793; Sec. 2, Reg. III. 1794, Reg. XI. 1822, except Sections 36 and 38, and Reg. VII. 1830 are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

Interest and Penalty abolished.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of Land Revenue which shall fall due after the date specified in Section XXXV. of this Act.

Days fixed for sale.

III. And it is hereby enacted, that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta shall determine with regard to each permanently settled District or Zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing by sale of Mehals the arrears of Land Revenue due thereupon. And the said Board shall give notice of the dates so fixed in the Calcutta Gazette; and shall direct corresponding publication to be made, as far as regards each District, in the language of that District, in the Office of the Collector, or other Officer duly authorized to hold sales under this Act, and in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Sudder Moonsiffs; and the days so fixed shall not be changed until the same be changed by the said Board by advertisements and notifications in the manner above described; such advertisements and notifications to be issued, on every occasion after the first above provided for, at least three months before the close of the official year preceding that in which the new date or dates are to take effect. Provided always, that another notice shall also be given for a period of not less than 15 clear days previous to each fixed

fixed date of sale by advertisement to be stuck up in each of the forenamed Offices and Courts, and the Collector shall be bound to furnish during this interval to all enquirers full particulars as to what estates are in balance, and the amount due on each.

Exception in unsettled Provinces and Benares.

IV. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Benares, no sale shall take place for arrears of Land Revenue or other demand of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale.

Definition of an arrear.

V. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kistbundee of any Mehal have been regulated be unpaid on the first of the following month of such year, the sum so remaining unpaid shall be considered an arrear of Revenue.

All Estates in arrear to be sold.

VI. And it is hereby enacted, that except as hereinafter excepted, all Estates from which at sunset of the day preceding that fixed for a sale an arrear of Revenue may be due, shall on the said fixed day, or on the day or days following as hereinafter provided, be put up to public auction by and in the presence of the Collector or other Officer authorized by Government to exercise the powers of Collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sunset of the day preceding that fixed for a sale shall bar or interfere with the sale either at or after its conclusion.

Claims to abatement and set off.

VII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

Exceptions.

VIII. Provided always, and it is hereby enacted, that no estate shall be sold for the recovery of arrears or demands of the description mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period of not less than fifteen clear days preceding the day of sale, in the Office of the Collector, or other Officer as aforesaid, by whom the sale is intended to be made, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of all the Principal Sudder Ameens, Sudder Ameens and Moonsiffs of the District, and at the Police Thannah of the Division in which the estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the Officer at whose Office such publication may have been made; and also at the Cutcherry of the Malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose. And it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due, which may be made after sunset of the day preceding the fixed day of sale, will bar or interfere with the sale either at or after the transaction.

First.

First.—Arrears due from or to be recovered by the sale of estates not permanently settled.

Secondly.—Arrears other than those of the current or of the preceding year.

Thirdly.—Arrears due on account of estates other than that to be sold.

Fourthly.—Arrears of estates under attachment by order of the Judicial Authorities.

Fifthly.—Arrears due on account of Tuccavy, Poolbundee, or other demands not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

Payments by non-proprietors.

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the day preceding the fixed day of sale receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate. And in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing whose money shall have been credited as aforesaid shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit with interest, from the proprietors of the said estate.

Wards' Estates and Minors.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

Attached by a Revenue Officer.

Attached by a Court.

Exemption from sale.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an estate shall have commenced to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the Collector to that effect in each case; and no sale of an estate shall be

be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

Proviso.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District, provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

Adjournment.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry; and so on, from day to day, until he shall be able to commence upon, or to complete the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

Order of sale.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section III. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Office of the District being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any estate out of its regular order by number.

Deposit on purchase.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid and in default of such deposit, the estate shall, forthwith, be put up again and sold.

Balance of purchase money.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty: or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be

be leviable from him by any process authorized for realizing an arrear of Public Revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold, and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VIII. of this Act.

Rents stopped after notice for sale.

XVII. And it is hereby enacted, that whenever an estate shall have been sold as aforesaid, the Collector, or other Officer as aforesaid, shall affix a proclamation in the language of the District in his Cutcherry; and as soon thereafter as may be in the Cutcherries of the Moonsiffs and of the Darogahs of Police, within whose jurisdiction or jurisdictions any part of such estate may be situated; and also at the Cutcherry of the Malgoozar of such estate; or on some conspicuous place on such estate, forbidding the ryots and under-tenants of such estate to pay rent falling due subsequent to the date therein specified and up to the date of the subsequent notice hereinafter prescribed by Section XXI. of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

Appeal.

XVIII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation, for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

Government may restore Estate.

XIX. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the estate to be restored to the proprietor on such conditions as may appear equitable and proper.

Sale when to be final.

XX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XXI.

Certificate of Title.

XXI. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of title in the following form:

I certify that A. B. has purchased at Public Auction under Act XII. of 1841, Mehal C, and that his purchase has taken effect on and since the — day of —— (being the date of sale.)

(Signed) D. E., *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the estate or on some conspicuous place on the estate; and shall apply the purchase money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a re-sale; and secondly, to the liquidation of all outstanding demands debited to the Muhal in the Public accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following; to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

Benamee purchase.

XXII. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Notice of annulment.

XXIII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXI. of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

Purchase liable for Mesne Revenue.

XXIV. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government

Government which may fall due subsequently to the day of sale : provided, however, that in the case of re-sales the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the day of the first sale.

Grounds and conditions of reversal by a Civil Court.

XXV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act : And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner, under Section XVIII. of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive, as provided in Section XX. of this Act : And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money ; Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

Proviso.

Refund on reversal of sale.

XXVI. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

Enhancement of rents in Bengal, &c.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (any thing in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions :

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the Permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to encrease of assessment, on the grounds stated in Section LI. Regulation VIII. of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under bonâ fide leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written

written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of Revenue shall be at liberty by suit in Court to set aside all such farms, although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

Under-tenures elsewhere.

XXVIII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVII. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the last Settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except bonâ fide leases of ground for the erection of dwelling houses, or buildings, or for offices thereunto belonging or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, Mouzah, or other local division such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

Local Government may reserve all under tenures.

XXIX. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there

there shall appear ground to apprehend, that by reason of the restriction the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the *Muhal* shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

Purchase by a recorded or unrecorded proprietor or copartner, &c.

XXX. And it is hereby enacted, that excepting copartners of estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner; or who by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act: and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its encumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

Arrears of rent.

XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

Contempt.

XXXII. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or Office for the time being, by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the civil jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

Default.

XXXIII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

Operation of Act.

XXXIV. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations and to the Ceded and Conquered

ed Provinces similarly subject to the General Regulations under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta or the Settlements of Singapore, Penang or Malacca.

Date of effect.

XXXV. And it is hereby enacted, that this Act shall have effect on and after the First day of January 1842.

ACT No. XIII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 16th of August, 1841.

An Act for explaining the Provisions of Act No. XXV. of 1836.

I. It is hereby declared and enacted, that the Import Duty on Wine and Spirits in Casks shall be settled on the quantities registered at the time of Importation without any deduction whatsoever: Provided always, that the Keeper of every Warehouse indicated by Act No. XXV. of 1836, shall, in accounting with the Customs' Department for the article so warehoused, be allowed ullage on such Wine and Spirits at the rate of 10 per cent. for one year according to the time for which such Wine and Spirits shall have been lodged.

ACT No. XIV. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 23rd of August, 1841.

BENGAL SECRETARIAT LIBRARY.

AN Act for the better regulation of Markets in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whoever shall sell or expose for sale as good meat the flesh of animals that have died, or other noxious and unwholesome provisions of any kind, or shall use any false weights or measures for the purpose of fraud, or shall be guilty of any nuisance affecting the public health in any Market within the Islands of Bombay and Colaba, shall be liable on conviction before a Magistrate of Police to a fine not exceeding 200 Rupees.

II. And it is hereby enacted, that it shall be lawful for any Magistrate of Police from time to time to examine all weights and measures used in any Market within the said Islands, and all provisions exposed for sale therein, and to cause such weights and measures as he shall find to be false and such provisions as he shall find to be noxious and unwholesome, to be forthwith destroyed—and every person obstructing any Magistrate of Police in the premises, shall be liable on summary conviction before the Petty Sessions to a fine not exceeding 200 Rupees, or to imprisonment with or without hard labor for three months.

ACT No. XV. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 23d of August, 1841.

An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.

I. Whereas great inconvenience has been experienced by residents within Calcutta by reason of their being obliged to give security in suits in the Mofussil Courts, under Regulation IX. of 1819, Section 7. And whereas there is no occasion for requiring such security now that by Act No. XXIII. of 1840, property within Calcutta is liable to be seized under the process of the Mofussil Courts ;—

It is hereby enacted, that Section 7, Regulation IX. of 1819, of the Bengal Code, is hereby repealed.

ACT No. XVI. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 30th of August, 1841.

An Act concerning the taking of Oaths of Qualification by Justices of the Peace.

I. Whereas inconvenience has arisen in consequence of pursuing the course heretofore deemed necessary for taking of Oaths by Justices of Peace, in order that they may be duly qualified to act under Commissions of the Peace ;—It is hereby enacted, that all persons who are or shall be nominated and appointed in any Commission of the Peace, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such Commission, upon taking and subscribing in any Civil or Criminal Court of Justice within the places in and for which any such Commission shall have issued before the Officer presiding in such Court, whether such Officer be a Justice of the Peace or not, the Oaths appointed to be taken by Justices of the Peace ; and the subscription of such Persons to the said Oaths shall be deposited and kept with the Records of the Courts of Justice in which the said Oaths shall have been administered.

II. And it is hereby enacted, that every Justice of the Peace who, before the passing of this Act, shall have had administered to him the Oaths of Qualification by any other Justice of the Peace, shall be deemed to have been duly qualified to act as a Justice of the Peace from the time of taking such Oath, and shall continue so qualified notwithstanding such Oath may not have been taken in a Court of Justice as required by any previous Law, or by this Act.

ACT No. XVII. OF 1841.

Passed by the Right Honorable the Governor General of India in Council, on the 30th of August, 1841.

An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.

I. It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut, within the Territories subject to the Presidency of Fort William in Bengal, by an Order, under the signature of the Register of such Court, to transfer to such Register the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said Courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the Rules prescribed by the general Regulations of Government.

II. And it is hereby enacted, that in proceedings before the said Courts it shall not be necessary to take any security for costs; and it shall be competent for the said Courts of Sudder Dewanny and Nizamut Adawlut to frame such Rules of practice for the due exercise of the Civil and Criminal Jurisdiction vested by the Regulations in those Courts, as may from time to time be found requisite. And such Rules when so framed shall be submitted to the Governor General of India in Council; and after the same shall have been approved by the said Governor General of India in Council, they shall be of the same force as if they were inserted in this Act.

ACT No. XVIII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 30th of August, 1841.

An Act for consolidating and amending the enactments concerning the exportation of Military Stores.

I. It is hereby enacted, that Arms, Ammunition and Military Stores (with the exception of Arms in the possession of individuals for private use) shall not be exported, or otherwise taken from the Territories of the East India Company, without a license from a public Officer or Officers for each Presidency, to be indicated by the Governments of the respective Presidencies, for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such Officer or Officers in regard to such exports by the aforesaid Governments respectively. And any Arms, Ammunition or Military Stores which any person shall export, or attempt to export, or take as aforesaid, contrary to this Act, shall thereby become forfeited, on the award of the Officer or Officers authorized as aforesaid to grant licenses, or the Collector of Customs, and every person offending in the premises contrary to this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees.

II. And it is hereby enacted, that any person who shall collect or keep in one place, or within places not exceeding three miles in distance from each other, any quantity of Gunpowder exceeding fifty pounds, without a license from such Officer as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees, and such Gunpowder shall become forfeited on the award of the Officer or Officers authorized to grant licenses as aforesaid, or the Collector of Customs.

III. And it is hereby enacted, that it shall be lawful for any of the Governments aforesaid, to allow at any Port or Ports, the exportation of Arms, Ammunition and Military Stores as aforesaid, without any such license as aforesaid, as they shall deem expedient.

ACT No. XIX. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 6th of September, 1841.

ACT for the protection of moveable and immoveable property against wrongful possession in cases of successions.

I. Whereas much inconvenience has been experienced, where persons have died possessed of moveable and immoveable property, and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession. And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a Judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit. And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession will be too tardy a remedy for obviating them all, especially as regards moveable property. And whereas it may be expedient, prior to the determination of the summary suit, to appoint a Curator to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case. And whereas it will be very inconvenient to interfere with successions to estates by the appointment of Curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit :—

It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the Judge of the Court of the District where any part of the property is found or situate for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person being entitled by succession to such property as aforesaid, to make the like application for relief.

III. And

III. And it is hereby enacted, that the Judge to whom such application shall be made shall, in the first place enquire by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made bonâ fide.

IV. And it is hereby enacted, that in case the Judge shall be satisfied of the existence of such strong ground of belief but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the expiration of a reasonable time shall determine summarily the right to possession (subject to regular suit as hereinafter mentioned) and shall deliver possession accordingly—provided always that the Judge shall have the power to appoint an officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the enquiry necessary for citing the party complained of or not.

V. And it is hereby enacted, that in case it shall further appear upon such application and examination as aforesaid that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof is likely to expose the party out of possession to considerable risk, provided he be the lawful owner ; it shall be lawful for the Judge to appoint one or more Curators with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof. Provided always that, in the case of land, the Judge may delegate to the Collector or to his officer the powers of a Curator, and also that every appointment of a Curator in respect of any property be duly published.

VI. And it is hereby enacted, that the Judge shall have power to authorize such Curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always, that it shall be entirely discretionary with the Judge, whether he shall allow the party in possession to continue in such possession on giving security, or not, and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

VII. And it is hereby enacted, that the Judge shall exact from the Curator security for the faithful discharge of his trust, and for rendering satisfactory accounts of the same as hereinafter mentioned, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding 5 per centum on the personal property and on the annual profits of the real property. All surplus monies realized by the Curator shall be paid into Court, and invested in public Securities for the benefit of the persons entitled thereto upon adjudication of the summary suit. Provided always, that although security shall be required from the Curator with all reasonable despatch, and, where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed Curator, yet no delay in the taking of security shall prevent the Judge from immediately investing the Curator with the powers of his office.

VIII. And it is hereby enacted, that, where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession, of appointing a Curator, and

and of nominating individuals to that appointment, the Judge shall demand a report from the Collector, and the Collector is hereby required to furnish the same. In cases of urgency the Judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto, but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewany Adawlut, and the Court of Sudder Dewany Adawlut, if they shall be dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

IX. And it is hereby enacted, that the Curator shall be subject to all orders of the Judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the Curator on behalf of the estate. Provided that an express authority shall be requisite in the sunnud of the Curator's appointment for the collection of debts or rents; but such express authority shall enable the Curator to give a full acquittance for any sums of money received by virtue thereof.

X. And it is hereby enacted, that pending the custody of the property by the Curator, shall be lawful for the Judge to make such allowances to parties having a primâ facie right thereto as upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require, taking, at his discretion, security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

XI. And it is hereby enacted, that the Curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the possession of the property file a detailed account of his administration to the satisfaction of the Judge.

XII. And it is hereby enacted, that the accounts of any such Curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such Curator. And if it be found that the accounts of any such Curator are in arrear, or if they shall be erroneous or incomplete, or if the Curator shall not produce them whenever he shall be ordered to do so by the Judge, he shall be liable to a fine not exceeding one thousand Rupees for every such default.

XIII. And it is hereby enacted, that after the Judge of any district shall have appointed any Curator, such appointment shall preclude the Judge of any other district within the same Presidency from appointing any other Curator provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same Presidency of another Curator in respect of the residue or any portion thereof; provided always, that no Judge shall appoint a Curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another Judge—and provided further, that if two or more Curators be appointed by different Judges for several parts of an estate, it shall be lawful for the Sudder Dewany Adawlut to make such order as it shall think fit for the appointment of one Curator of the whole property.

XIV. And it is hereby provided, that this Act shall not be put in force, unless the aforesaid application to the Judge be made within six months of the decease of the proprietor, whose property is claimed by right in succession.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of settlement. Neither in cases in which the deceased proprietor shall

shall have given legal directions for the possession of his property after his decease in the event of minority or otherwise, in opposition to such directions, but, in every such case, so soon as the Judge having jurisdiction over the property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

XVI. And it is hereby provided, that this Act shall not be put in force, for the purpose of disturbing the possession of the Court of Wards of any Presidency; and in case a minor, or other disqualified person whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the Judge if he determines to cite the party in possession and also appoint a Curator, shall invest the Court of Wards with the Curatorship of the estate pending the suit without taking such security as aforesaid, and in case the minor or other disqualified person shall, upon the adjudication of the summary suit appear to be entitled to the property, possession shall be delivered to the Court of Wards.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

XVIII. And it is hereby enacted, that the decision of the Judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

XIX. And it is hereby enacted, that it shall be lawful for the Governments of the respective Presidencies to appoint public Curators for any district or number of districts. And the Judge having jurisdiction shall nominate such public Curator or Curators in all cases where the choice of a Curator is left discretionary with him under preceding provisions of this Act.

XX. And it is hereby enacted, that whenever a person dies leaving moveable or immoveable property within the local limits of the jurisdiction of any of Her Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said Court to authorize and enjoin the Ecclesiastical Registrar, or one or more Curators to collect such effects, and hold or deposit or invest the same in such manner and place and upon such security and subject to such orders and directions as the Court may deem expedient.

ACT No. XX. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 6th of September, 1841.

AN Act for facilitating the collection of Debts on successions, and for the security of parties paying debts to the Representatives of deceased persons.

I. Whereas it is expedient to provide greater security for persons paying to the Representatives of deceased Hindoos, Mahomedans, and others not usually designated as British Subjects, debts which are payable in respect of the Estates of such deceased persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same :—

No debt recoverable without a certificate

It is hereby enacted, that no debtor of any deceased person shall be compelled in any Court of Law to pay his debt to any person claiming to be entitled to the effects of any deceased person or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned, or of a Probate or Letters of Administration, unless the Court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

Manner of obtaining certificate.

II. And it is hereby enacted, that the Zillah or District Court within the jurisdiction of which any part of the property of the deceased may be found shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The Judge shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient shall determine the right to the certificate, and grant the same accordingly.

Effect of certificate.

III. And it is hereby enacted, that the certificate of the District or Zillah Judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favor the certificate has been granted.

Security taken from grantee of certificate.

IV. And it is hereby enacted, that the District or Zillah Judge may take such security as he shall think necessary from any person to whom he shall grant a certificate for rendering an account of debts received by him

him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

Decision of Judge how far final

V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which Court may declare the party to whom the certificate should be granted, or may direct such further proceedings for the investigation of the title as it shall think fit. The Court may also upon petition, after a certificate shall have been granted by the District or Zillah Judge, grant a fresh certificate in supersession of the certificate granted by the District or Zillah Judge, and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.

Local extent of power given by certificate.

VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

Government Notes and Dividends.

VII. And it is hereby enacted, that a person certified as aforesaid, may be empowered to receive interest on Government Notes and Dividends, or on Shares of any Bank or parts thereof, and to negotiate such Securities. He may be also empowered to receive a share of such interest of dividends or to negotiate a share of such Securities. But these powers shall only arise by express words in the certificate.

Payments under certificate void by reason of previous certificate.

VIII. And it is hereby enacted, that where a certificate shall have been granted in cases in which such certificate would be valid, but for the previous grant of a certificate, all payments made to the person holding the later certificate in ignorance of the grant of the previous certificate shall be held good against claims under such previous certificate.

Certificate after previous grant of Probate or Letters void.

IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans and other persons not usually designated by the term British Subjects, that no certificate in respect of any such property shall be valid, if made after a Probate or Letters of Administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the Court granting the Probate or Letters of Administration.

Bonâ fide payments protected.

X. And it is hereby provided, that where a certificate shall have been granted in cases in which such certificate would be valid, but for a Probate or Letters of Administration previously granted, all payments made to the person holding the certificate in ignorance of the previous granting of the Probate or Letters of Administration shall be held good against claims under the Probate or Letters of Administration so previously granted.

Probate or Letters after previous grant of certificate.

XI. And it is hereby enacted, that no Probate or Letters of Administration shall be valid for the purpose of the recovery of debts or for the security of debtors, after a certificate granted in respect of the same property for which such Probate or Letters of Administration shall have been

been granted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the Court granting such certificate.

Bonâ fide payments protected.

XII. And it is hereby provided, that where Probate or Letters of Administration may have been granted, in cases in which such Probate or Letters of Administration would be valid, but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate.

Curators prohibited from exercising certain powers.

XIII. And whereas under Act No. XIX. of 1841 Curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to Executors and Administrators, it is hereby enacted that Curators appointed under the said Act shall not exercise any powers which, but for that Act, would lawfully belong to such persons obtaining certificates, Executors or Administrators, where a certificate, Probate or Letters of Administration has been actually obtained; but all persons who may have paid debts or rents to a Curator authorized by a Judge to receive the same shall be indemnified, and the Curator shall be responsible for the payment of the same to the person who has obtained a certificate, the Executor, or Administrator, as the case may be.

Effect of Probates and Letters granted to Representatives of Hindoos and others.

XIV. And it is hereby declared and enacted, that all Probates and Letters of Administration granted by any of Her Majesty's Courts in cases in which any assets belonging to deceased persons were, at the time of their deaths, within the local jurisdiction of the Court granting the Probate or Letters of Administrations, shall have the effect of Probate and Letters of Administration, granted in respect of the property of British Subjects but for the purpose of the recovery of debts only, and the security of debtors paying the same; except so far as is in this Act provided.

Act not to extend to the property of British subjects.

XV. And it is hereby provided, that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British Subject.

ACT No. XXI. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 6th of September, 1841.

An Act for the better Prevention of Local Nuisances.

I. It is hereby enacted, that it shall be lawful for any Magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings and such disposal of combustible substances as may appear to him likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as, by the probability of their falling, may appear to him to expose individuals to danger.

II. And it is hereby enacted, that, in exercising the authority conferred by the above Section, the Magistrate shall after holding such enquiry as may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be served personally on the parties concerned ; but if such service shall be impracticable or very inconvenient, the injunction shall be notified by oral proclamation and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned. And in case such injunction be not obeyed, the Magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding 200 Rupees, or by imprisonment without labor for any period not exceeding one month, and if the Magistrate finds it necessary to incur expence in removing noxious or dangerous articles or buildings, it shall be lawful for him to sell the same or their materials by public auction in order to defray the charge, delivering any surplus that may remain to the owner. And it shall be lawful for the Magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in such manner as to prevent danger to the public arising therefrom.

III. And it is hereby provided and declared, that it shall be lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition to be presented to the Magistrate within the period of ten days if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction or the publication of such notice, that a Jury or Punchayet may be appointed to try and decide the question; and the Magistrate shall, on receiving such petition, pass order thereupon for the appointment of a Jury or Punchayet, which shall consist of not less than five persons, whereof the President and one-half of the other Members shall be nominated by the Magistrate from the residents in the vicinity, and the remaining Members shall be nominated by the

the party petitioning. And the Magistrate shall suspend the further execution of the injunction or order pending such enquiry, and be guided by the decision of the said Jury which shall be according to the opinion of the majority. Provided however that if the petitioner shall by neglect or in any other way prevent the appointment of such Jury or Punchayet, or if, from any cause the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for their appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate, and if from any of the above causes no decision be made by a Jury or Punchayet, the Magistrate's order shall take effect as if not opposed.

IV. And it is hereby provided, that all the proceedings of Magistrates under the authority of this Act shall be subject to the like appeal as other orders of Magistrates according to the Regulations of the respective Presidencies.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of Her Majesty's Courts of Justice.

ACT No. XXII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 11th of October, 1841.

For amending the Law with respect to rates for Municipal purposes within the Town of Madras.

I. Whereas it is expedient to specify the particular purposes to which rates assessed on houses, buildings and grounds in Madras shall be applied; and to abolish the practice which has hitherto prevailed, of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such percentage being inadequate for the purposes to which the rates have hitherto been deemed applicable. And whereas it is expedient to make the percentage leviable by quarterly or other convenient rates on the annual value of property, to depend entirely on the expenditure necessary for accomplishing, in an efficient manner, the purposes to which the rates shall henceforth be applicable, and providing for all incidental expences and casual deficiencies or defaults. And whereas it is expedient to subject the collection and administration of the funds raised for Municipal purposes in the various districts of the Town to the management of the rate-payers themselves within such districts respectively, whenever they are desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose. And whereas it is expedient to modify the provisions of the Statute 33, Geo. 3, Chap 52, in regard to assessments for the Town of Madras in order for the better collection of the same, reserving all the authority of such Statute in matters not inconsistent with this Act;

It is hereby enacted, that the assessments which by the Statute 33, Geo. 3, Chap. 52, are authorized to be made for the Town of Madras, shall be applicable to the following purposes only, viz. lighting and watering the roads and streets, and cleansing and repairing the same and the drains of the said Town.

II. And it is hereby enacted, that the assessment and rates made under the authority of the said Statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last Section, for discharging all incidental expences, and for making up deficiencies and defaults of every kind whatsoever. Provided always, that no rate shall be made exceeding the amount of five per cent. on the assessed value of property without the sanction of the Governor in Council of Fort Saint George in Madras.

III. And it is hereby enacted, for the encouragement of the control and supervision of the assessment and collection of the rates and the management thereof within particular divisions being undertaken by the rate-payers themselves, the Justices at their

their Quarter Sessions shall publish quarterly or as required by the Local Government the particulars of all sums laid out, and of all the expences of collection and deficiencies during the preceding quarter within three or more divisions of the Town to be indicated by the Governor in Council of Fort Saint George in Madras before this Act shall be allowed to come into operation or such other divisions as the Governor in Council of Fort Saint George in Madras may from time to time direct, so long as the assessment, collection or management of the rates for such divisions shall remain under the jurisdiction of the Justices.

IV. And it is hereby enacted, whenever two-thirds in number and value of the rate-payers of any of such respective divisions shall apply to the Governor in Council of Fort St. George in Madras, to undertake themselves the assessment, collection and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort St. George in Madras to authorise the same accordingly, at his discretion ; provided always that such majority of rate-payers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for. Provided always, that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor in Council of Fort St. George in Madras upon reference to all local circumstances.

V. And it is hereby enacted, that for the better assessment and collection of rates under this Act, it shall he lawful for the Governor in Council of Fort St. George in Madras, to appoint such Assessor or Assessors, Collector or Collectors, and to make such union of the offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections and in the management of the rates collected as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any assessment rate or warrant of distress under this Act to specify the names of the owners or occupiers of houses, buildings and ground ; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the Goods and Chattels of the owner of any property rated shall be seizable anywhere (except where property is concealed as hereinafter mentioned) for deficiency in the payment of rates. And all property which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure. And in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any zenana, the Officer charged with the execution of the warrant shall make a special report to the Justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court of the Presidency.

IX. And it is hereby enacted, that it shall be lawful for any one Justice of the Peace for the Town of Madras to issue a Warrant of Distress for the recovery of the arrears of Assessment under this Act, or under the Statute 33, Geo. 3, Ch. 52, and every such Warrant shall have the same force and effect as if it were under the hands and seals of two such Justices.

ACT No. XXIII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 11th of October, 1841.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort St. George in Madras.

I. It is hereby enacted, that if any person after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the Territories subject to the Government of the Presidency of Fort St. George in Madras, any Rum or Rum Shrub, which is the produce of any Foreign Country, or of any British possession into which Foreign Sugar or Rum can be legally imported, such Rum or Rum Shrub shall be seized by the Collector of the Customs, or by any other Officer authorized to seize and detain Contraband Goods, and shall be brought to confiscation according to the Rules in force for confiscating such Goods, unless the District in which such Rum or Rum Shrub is landed, or in which an attempt has been made to land such Rum or Rum Shrub, be a District in which the Governor in Council has authorized the importation of such Rum or Rum Shrub, and it shall be lawful for the Governor in Council to authorize the importation of such Rum and Rum Shrub into any District of the Territories aforesaid by an Order in the Official Gazette.

II. And it is hereby enacted, that if any Owner of Rum or Rum Shrub, the produce of the said Territories, or the duly authorized Agent of such Owner, be desirous to obtain a Certificate of Origin from the Collector or Assistant Collector of the Land or Customs Revenue of any District within the said Territories, or from any other Officer appointed by the Governor in Council to give such Certificates, such Owner or Agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the Form contained in the Schedule hereunto annexed marked A, and to the said Declaration shall be appended a Certificate to its verity from any Government Officer who may be attached to the Distillery where such Rum or Rum Shrub is declared to have been manufactured in the form prescribed in the said Schedule A.

III. And it is hereby enacted, that if the District be one into which the Governor in Council has not, by any Order, authorized the importation of Foreign Sugar or Rum, or of Sugar or Rum the growth or produce of any British Possession into which Foreign Sugar or Rum can be legally imported, then the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a Certificate in the form contained in the Schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship Rum or Rum Shrub from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer

Officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs a Certificate, such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned Form shall have been so made and subscribed, shall, unless he see cause to deem such Declaration fraudulent and untrue, grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that the Owner of Rum or Rum Shrub intended for exportation under this Act, or the duly authorized Agent of such Owner shall not be entitled to any of the Certificates described in this Act unless such Rum or Rum Shrub shall be the produce of a Distillery worked according to law in the European method under License from the Board or other authority vested with the management of the Revenue derived from the Abkarry or Tax on Spirits.

VII. And it is hereby enacted, that the Rum and Rum Shrub manufactured for exportation to the United Kingdom under this Act at any Licensed Distillery shall be manufactured pure without admixture of Spirits made from Rice, Grains, or any other substance or substances not being the produce of the Sugar Cane or of the Date or Palm-tree, and shall be so declared and verified at the time of application for a Certificate of Origin according to the form of Schedule A.

VIII. And it is hereby enacted, that if any Rum or Rum Shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same with the casks or materials in which it is contained shall be seized and confiscated, and the party or parties upon whose Declaration Certificate of manufacture free from adulteration or mixture may have been granted for the admission of such Rum or Rum Shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such Declaration, shall be proceeded against for the false and fraudulent Declaration as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court as would be competent to try such person for Perjury, be punished as in cases of Perjury; and every person procuring another person to affirm such untruth shall be liable to be punished as in cases of Subornation of Perjury, and any Officer of Government subscribing an Attestation to the verity of such Declaration knowing the same to be untrue, shall be subject to a like penalty as the false Declarant, besides dismissal from the employment of Government.

X. And it is hereby provided, that notwithstanding any thing in this Act contained, no person intending to manufacture Rum or Rum Shrub, within the Presidency of Madras shall establish a Distillery for such purpose without making application for a License in manner directed by Regulation I. of 1820 of the Madras Code; and every person manufacturing Rum or Rum Shrub within the Madras Presidency, without having first obtained such License, shall be liable to the penalties provided in that Regulation.

SCHEDULE A.

I, A. B., solemnly declare that all the Rum or Rum Shrub hereinunder described is the produce of the Licensed Distillery named ——— in the District of ———, and that

that the said Rum or Rum Shrub is the produce of the Sugar Cane, Date, or Palm-tree, and wholly free from any admixture of Spirits manufactured from Rice, Grains, or any other substance whatever.

(Signed) A. B.

The —— day of —— 18—.

* I, B. B., Government Officer in charge on the part of Government of the —— Distillery, do hereby certify that the above is a true and correct Declaration.

B. B.,
Govt. Officer attached to the
——— Distillery.

Description of the ——— to which the above Declaration relates.

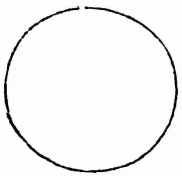
Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Packages

(Signed) A. B.

The —— day of —— 18—.
Collector's number ——.
Collector's date —— of —— 18—.

(Signed) Y. Z., *Collector.*

Seal of the Collector.



SCHEDULE B.

I, C. D., Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council to act in this behalf) for the District of ——— do hereby in conformity with the provisions of Act ——— grant this Certificate under my hand and seal, that the Rum or Rum Shrub described in the Declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of —— 18—, dated the ——— of —— 18—, and signed by ———, Manager or Owner of the Licensed Distillery called ———, is the produce of the District of ———, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum and of Sugar and Rum the growth or produce of any British possessions into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District of ———.

L. S. (Signed) C. D.

This —— day of —— 18—.

* This Declaration must be drawn out before the Rum leaves the Distillery in order that the attestation of the Government Officer may be attached.

ACT No. XXIII. OF 1841.

SCHEDULE C.

I, E. F., Shipper of the Rum or Rum Shrub hereinunder described, solemnly declare, that all the Rum or Rum Shrub hereinunder described, is, to the best of my knowledge and belief, the same Rum or Rum Shrub to which the Certificate now produced by me relates.

(Signed) E. F.

Description of ——— to which this Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) E. F.

The —— day of —— 18—.

SCHEDULE D.

I, R. W., Collector of Customs, (or being an Officer appointed by the Governor in Council to act in this behalf) for the Port of ——— certify under my hand and seal, that there has been produced to me by E. F., the Shipper of the Rum or Rum Shrub hereinunder described, a Certificate under the hand and seal of C. D., Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council to act in this behalf) for the District of ———, in the Territories forming part of the Presidency of Fort St. George, which Certificate certifies that the said Rum or Rum Shrub is of the produce of the said District, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum, or Sugar and Rum the growth or produce of any British possession into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District.

L. S.

(Signed) R. W.,
Collector of Customs.

The —— day of —— 18—.

Description of the ——— to which the Certificate relates.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) R. W.,
Collector of Customs.

ACT No. XXIV. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 18th of October, 1841.

An Act for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the Effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.

I. it is hereby enacted, that the Statute XI. George IV. and 1 William IV. Ch. 40, entitled "an Act for making better provision for the disposal of the undisposed of residues of the Effects of Testators," shall be extended to the Territories of the East India Company as far as it is applicable to the same. Provided that this Act shall take effect from the first day of January next, which day is substituted for the first day of September mentioned in the Statute.

II. And it is hereby enacted, that the Statute XI. George IV. and 1 William IV. Ch. 46, entitled "an Act to alter and amend the Law relating to Illusory Appointments," and the Statute XI. George IV. and 1 William IV. Ch. 65, entitled "an Act for consolidating and amending the Law relating to property belonging to infants, feme coverts, idiots, lunatics and persons of unsound mind," shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same.

III. And it is hereby enacted, that the Statute XI. George IV. and 1 William IV. Ch. 60, entitled "an Act for amending the Laws respecting conveyances and transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain cases," except so much thereof as provides that it shall not extend to cases of partition, shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same, and all provisions contained in the last mentioned Statute relating to the Lord Chancellor of Great Britain, intrusted as therein is mentioned, or to Courts of Chancery, or their Decrees, shall be applicable to Her Majesty's Supreme Courts of the respective Presidencies. And the indemnity and discharge mentioned in the last Section of the same Act shall be applicable to the East India Company, and all Corporate Societies established within the Territories of the East India Company and their Officers and Servants.

IV. And whereas it is expedient to adopt the amendments of the English Law touching the delay of action, suits, or other proceedings, by reason of the parol demurring; and touching conveyances made by Infants under order of Courts; it is hereby

hereby enacted, that Sections 10 and 11 of the XIth Geo. IV. and 1 William IV. Ch. 47, entitled "an Act for consolidating and amending the Laws for facilitating the payment of debts out of real Estate," shall from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable in the same.

V. And it is hereby provided, that this Act shall not be construed to affect any case which would not have been governed by English Law as administered by Her Majesty's Supreme Courts previous to the passing thereof, ~~or any proceedings at Law~~ or in Equity commenced before the first day of January next.

nd is

ACT No. XXV. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 18th of October, 1841.

An Act for amending the Law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.

I. It is hereby enacted, that when any person shall have been directed by any Decree or Order in Equity of Her Majesty's Supreme Courts to execute any deed or instrument, or make a surrender or transfer, or to levy a fine, and shall have refused or neglected to execute, make or transfer or levy the same, and shall have been committed to prison under process for such contempt or being confined in prison for any other cause shall have been charged with or detained under process for such contempt and shall remain in such prison, the Court may upon motion or petition and upon affidavit that such person has after the expiration of two calendar months from the time of his being committed under or charged with or detained under such process again refused to execute such deed or instrument, or make such surrender or transfer or levy such fine, order or appoint, the Master or Registrar of the said Courts to execute such deed or other instrument, or to make such surrender or transfer for and in the name of person, and to levy such fine in his name and to do all acts necessary to give validity and operation to such fine, and to lead or declare the uses thereof, and the execution of the said deed or other instrument, and the surrender or transfer made by the said Master or Registrar, and the fine levied by him, shall in all respects have the same force and validity as if the same had been executed, or made or levied by the party himself, and within ten days after the execution or making of any such deed or other instrument, or surrender or transfer, or levying such fine, notice thereof shall be given by the adverse Solicitor to the party in whose name the same is executed or made, and such party as soon as the deed or other instrument or surrender, transfer or fine, shall be executed, made or levied, shall be considered as having cleared his contempt, except as far as regards the payment of the costs of the contempt, and shall be entitled to be discharged therefrom under any of the provisions of this Act applicable to his case, and the Court shall make such order as shall be just touching the payment of the cost of or attending any such deed, surrender, instrument, transfer or fine.

II. And it is hereby enacted, that where a person shall be committed for a contempt in not delivering to any person or persons, or depositing in Court or elsewhere, as by any order in Equity of Her Majesty's Supreme Courts may be directed, books, papers or any other articles or things, the Sheriff under any writ of sequestration shall have the same power, to seize and take such books, papers, writings or other articles, or things being in the custody or power of the person against whom the sequestration issues, as they would have over his own property, and thereupon such articles or things so seized and taken shall be dealt with by the Court as shall be just, and after such seizure

seizure it shall be lawful for the Court upon the application of the prisoner, or any other person in the cause or matter to make such order for the discharge of the prisoner upon such terms as to the Court shall seem proper.

III. And it is hereby enacted, that the discharge of any prisoner adjudicated upon under the authority of an Act passed in the 9th G. 4 C. 73, intituled "an Act to provide for the Relief of Insolvent Debtors in the East Indies until the 1st day of March 1833," last continued by an Act passed in the 3 and 4 Vic. C. 80, shall and may extend to all process in Equity issuing from Her Majesty's Supreme Courts for any contempt of such Court for non-payment of money, or of costs, charges of expences in any such Court, and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same and every discharge so adjudicated as aforesaid as to any debt or damages of any creditor of such prisoner shall be deemed to extend, also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoners for the purpose of the recovery of the same, and that all persons as to whose demands, for any such costs, money, or expences, any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said last mentioned Acts, subject, nevertheless, to such ascertaining of the said demands as may be had by taxation, or otherwise, and to such examination thereof as is in the said last mentioned Acts, provided in respect of all claim to a dividend of such Insolvent's Estate and Effects.

IV. And be it further enacted, that in all cases of contempt, where any person or persons are, or is, or shall, at any time hereafter be in prison under or by reason of any commitment or attachment in Equity directed by or issued out of Her Majesty's Supreme Courts, such Court shall (upon the application of the person or persons against whom such commitment or attachment hath been directed or issued,) have the power if it shall so think fit, to discharge such person or persons from their, his, or her contempt, except as to the costs thereof, for which costs they, he, or she shall remain in custody, and such costs shall be deemed within the provisions of the last preceding Section of this Act—and they, he, or she shall be discharged therefrom, and from the process of contempts in like manner as in the last preceding Section of this Act provided for in cases of process of contempt for non-payment of money or costs. Provided that this Act shall not weaken any of the other powers by this Act given, and that nothing herein contained shall alter or affect the operation of the said Acts for the Relief of Insolvent Debtors.

ACT No. XXVI. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 18th of October, 1841.

An Act for extending in cases governed by English Law certain provisions of the Statute 3d and 4th William IV. Ch. XLII., entitled "An Act for the further amendment of the Law and the better advancement of Justice."

I. Whereas there is no remedy provided in cases governed by English Law for injuries to the Real Estate of any person deceased, committed in his life time, nor for certain wrongs done by a person deceased in his life time to another in respect of his property, real or personal; for remedy thereof it is hereby enacted, that an action of Trespass or Trespass on the case, as the case may be, may be maintained by the Executors or Administrators of any person deceased for any injury to the real Estate of such person, committed in his life time, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages when recovered, shall be part of the personal Estate of such person; and further that an action of Trespass or Trespass on the case, as the case may be, may be maintained against the Executors or Administrators of any person deceased for any wrong committed by him in his life time to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and Effects of such person; and the damages to be recovered in such action shall be payable in like order of Administration as the simple contract debts of such person.

II. And it is hereby enacted, that no wager of Law shall be hereafter allowed.

III. And it is hereby enacted, that an action of debt on simple contract shall be maintainable in any of Her Majesty's Supreme Courts against any Executor or Administrator.

IV. And it is hereby enacted, that it shall be lawful for the Defendant in all personal actions (except actions for Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest or Prosecution, Criminal Conversations or Debauching of the Plaintiff's Daughter or Servant,) by leave of any of Her Majesty's Supreme Courts where such action is pending, or a Judge of any of the said Courts, to pay into Court a sum of money by way of Compensation or Amends, in such manner and under such regulations as to the payment of costs and the form of pleading as the said Judges or such Courts

Courts respectively shall by any rules or orders by them to be from time to time made, order and direct.

V. And it is hereby enacted, that it shall be lawful for the parties in any action or information, after issue joined, by consent and by order of any of the Judges of the said Courts, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the Plaintiff or Defendant, by confession or of nolle proseque, immediately after the decision of the case, or otherwise as the Court may think fit; and judgment shall be entered accordingly

VI. And it is hereby enacted, that the name of every witness objected to as incompetent on the ground that the judgment in the action would be admissable in evidence for or against him shall at the trial be indorsed on the Record or Document on which the trial shall be had, together with the name of the party on whose behalf he was examined by some Officer of the Court, at the request of either party, and shall be afterwards entered on the record of the judgment; and such indorsement or entry shall be sufficient evidence that such witness was examined in any subsequent proceeding in which the judgment shall be offered in evidence.

VII. And it is hereby enacted, that every such Court as aforesaid on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of Trover or Trespass de bonis asportatis, and over and above the money recoverable in all actions on Policies of Assurance made after the passing of this Act.

VIII. And it is hereby enacted, in cases which would be governed by English Law, that it shall be lawful for the Executors or Administrators of any Lessor or Landlord to distrain upon the Lands demised for any term, or at will, for the arrearages of rent due to such Lessor or Landlord in his life time, in like manner as such Lessor or Landlord might have done in his life time.

IX. And it is hereby enacted, that such arrearages may be distrained for after the end or determination of such Term or Lease at Will, in the same manner as if such Term or Lease had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such Term or Lease, and during the continuance of the possession of the Tenant from whom such arrears become due: provided also, that all and every the powers and provisions of Law relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

ACT No. XXVII. OF 1841.

Passed by the Right Honorable the Governor General of India in Council, on the 18th of October, 1841.

BENGAL SECRETARIAT LIBRARY

An Act for appropriating the unclaimed Dividends on Insolvent Estates.

I. Whereas pursuant to the Orders of the Courts for the Relief of Insolvent Debtors at the several Presidencies, divers sums on account of unclaimed Dividends on Insolvent Estates have from time to time been paid over by the Assignees of such Insolvent Estates into the hands of the Accountant General and Sub-Treasurer of the East India Company at such several Presidencies with the privity of the Accountant General of the said Insolvent Courts to the credit of the persons named in the Schedules as Creditors of such Insolvents respectively ;—and whereas it is expedient that in the event of no claim being established to such unclaimed Dividends or any part thereof, within a reasonable time, such Dividends should be distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively ;—

It is therefore enacted, that it shall be lawful for the said Courts of Insolvent Debtors respectively in the event of no claim being established to such Dividends or any part thereof, within six years after any Dividend shall have been so paid over, as aforesaid, to order the same to be repaid to such Assignees, to be by them distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively, and to order such claims to be expunged from such Schedules. Provided that this Act shall not affect the right of any party to be paid such Dividends out of any future Assets, which may come to the hands of the Assignees, together with any future Dividends which may be declared on such Insolvent Estates respectively in the event of any such claim being afterwards established.

II. And it is hereby enacted, that no such unclaimed Dividend shall at any time be distributed under this Act unless a Statement of such unclaimed Dividends be previously published in manner following : One year at least before making any such division as aforesaid a Statement shall be published three times in the English language, and also in one or more Native languages in the Official Gazettes of the respective Presidencies, which Statement shall contain the names and descriptions as contained in the Schedules of all parties in respect of whose claims Dividends are reserved, together with the amount of such claims respectively, and shall specify whether any former Dividend or Dividends have been paid in respect thereof, and whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued. Provided always that this Act shall not authorize the distribution of any such

such Dividend except where no person shall at any time have substantiated any claim to the debt in respect of which such Dividend may have become due.

III. And it is hereby further enacted, that in case it shall appear that any Insolvent is indebted to any Domestic Servants for Wages, it shall be lawful for such Courts at or before the time of declaring a Dividend to order the amount due for such Wages, but not exceeding in the whole the amount of six months' Wages to be paid to such Servants out of the Estate of such Insolvents

IV. And be it enacted, that this Act shall not take effect until the first day of January, 1843.

ACT No. XXVIII. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 15th of November, 1841.

An Act for extending Act No. XXIII. of 1839, to Camp Followers.

I. It is hereby enacted, that in cases in which an offender, being a Soldier, is punishable under Act No. XXIII. of 1839—Any offender amenable to any Articles of War for the East India Company's Native Forces, not being a Commissioned Officer, shall be punishable according to that Act, as well as otherwise according to law; and Act No. II. of 1840, shall be applicable to offenders imprisoned under this Act.

ACT No. XXIX. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 13th of December, 1841.

An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of Suits and Appeals for neglecting to proceed in the same.

I. It is hereby enacted, that if a Plaintiff or Appellant in any Court shall, at any time, neglect to proceed in his Suit or Appeal for six weeks, the Suit or Appeal shall be dismissed; and it shall not be necessary to give the Plaintiff or Appellant any notice previous to dismissing his Suit or Appeal The Suit or Appeal shall be dismissed as of course after the expiration of six weeks without any proceeding on the part of the Court, or of the Defendant, or otherwise, or assignment of any reasons, unless the Plaintiff or Appellant, or his representative in case of his death, upon special application, shall have previously satisfied the Court of the propriety of allowing further time. The Court shall record upon the proceedings the reasons at large for allowing further time in all cases in which further time may be allowed, but it shall not be necessary to specify the reasons for refusing any application for further time.

II. And it is hereby enacted, that in all cases in which a Suit or Appeal is dismissed under the preceding Section the Court shall award to the Defendant or Respondent the costs he may have incurred in the Suit or Appeal. But such dismissal shall be no impediment to the institution of a new Suit or Appeal, where the party is not precluded by lapse of time, or period of Appeal, or otherwise than by the mere circumstances of having instituted the Suit or Appeal dismissed and of such dismissal, and such dismissed Suit or Appeal shall not prevent lapse of time under the Law of Limitations being incurred.

III. And it is hereby enacted, that Clause 2, Section 27, Regulation XXIII. of 1814, of the Bengal Code, and Clause 2, Section 26, Regulation VI. of 1816, of the Madras Code, are repealed, and no Appeal shall lie against the decision passed in accordance with the provisions of the preceding Clauses of this Act, other than a summary appeal on the fact of default.

ACT No. XXX. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th of December, 1841.

An Act for repressing obstructions to Justice in certain Courts of the East India Company.

I. Whereas sufficient provision is not made for repressing obstructions to Justice committed in the Courts of the East India Company ;—It is hereby enacted that all persons whatsoever, whether, generally amenable to the Courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing Justice in the presence of any Zillah or City Magistrate, Joint Magistrate, or other Officer under a Magistrate empowered to try Criminal cases, or any superior or inferior Court, Civil or Criminal, of the East India Company, shall be liable to be fined by the Authority whose proceedings are obstructed to any amount not exceeding 200 Rupees, or in case such fine be not paid to be imprisoned for any period not exceeding one month. Provided that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the Authority, Civil or Criminal, appointed by Law to hear appeals in all other cases from the decisions of the Officer by whom the fine was imposed ; and provided also that notwithstanding any thing in this Act it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise.

II. And it is hereby further enacted, that the Sudder Board of Revenue, the local Commissioners, or other Officers exercising the powers of either of those authorities, the Collectors, or other Officers exercising the powers of Collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding 200 Rupees, and in case such fine be not paid by imprisonment in the Civil Jail for a period not exceeding one month. Provided that the orders passed in such cases shall be subject on appeal to the revision and controul of the superior Revenue Authorities, as in all others, and shall, as well as the sentences passed under Section I. of this Act, be carried into effect by the Magistrate, on application being made to that Officer, in the usual mode.

III. And it is hereby enacted, that Section XLII , the further proviso contained in Section LXXIV., Regulation XXIII. 1814 ; Clauses second and third, Section V., and Section VI , Regulation XII. of 1825 of the Bengal Code, are repealed.

ACT No. XXXI. OF 1841.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th of December, 1841.

An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of Sentences and Orders of Criminal Courts.

I. Whereas the provisions of the Bengal Code concerning Criminal Appeals and revision of Sentences and Orders of Criminal Courts required to be amended;—

It is hereby enacted, that those parts of the Bengal Code which concern the powers and duties of the Criminal Courts in respect to appeals and revision of sentences of a Lower Court by a higher, are repealed.

II. And it is hereby enacted, that from every sentence or order in Criminial trials, within the limitation prescribed by Sections VIII. and IX. Regulation IX. 1793, Section IV. Regulation XVI. 1795, and Sections VIII. and IX. Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, or by a Sudder Ameen, or by a Law Officer, or by any other Officer under a Magistrate empowered to try Criminal cases, there shall be permitted one appeal to the Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, within one month from the date of such Sentence or Order. And from every Sentence or Order in Criminal trials beyond the limitation prescribed by Sections VIII. and IX. Regulation IX. 1793, Section IV. Regulation XVI. 1795, and Sections VIII. and IX. Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by a Magistrate, Joint Magistrate, Assistant to a Magistrate vested with special powers, or other Officer empowered to try Criminal cases, there shall be permitted within one month as aforesaid one appeal to the Sessions Judge. And from every Sentence or Order passed in Criminal trial by a Sessions Judge, there shall be permitted within three months one appeal to the Court of Nizamut Adawlut. And except as provided in the next Section of this Act the Sentences or Orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the Courts of Nizamut Adawlut to call for the records of any Criminal trials of any Subordinate Court and to pass upon them such orders as may seem fit.

IV. Provided however, and it is hereby enacted, that it shall not be lawful for the Court of Nizamut Adawlut in cases so called for, or for any Criminal Court in Appeals preferred to it, to enhance any punishment awarded, or to punish any person acquitted by the Court below.

V. And

V. And it is hereby enacted, that it shall be at all times lawful for a Sessions Judge and for a Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such Subordinate Courts: But it shall not be lawful for any Court under the degree of the Nizamut Adawlut to alter any Sentence or Order of any Subordinate Court, except upon Appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a Sessions Judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass, inadequate to the guilt of the prisoner, any thing in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a Superintendent of Police as laid down in Act No. XXIV. of 1837, and other parts of the Bengal Code.

ACT No. I. OF 1842.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th January, 1842.

An Act for better regulating the sale of Opium and other intoxicating Drugs within the Town of Calcutta.

It is hereby enacted, that all Laws and Regulations prohibiting the sale of Spirituous Liquors within the Town of Calcutta except under licences, and regulating the granting such licences, and for inflicting penalties for breach of the conditions thereof, or for selling Spirituous Liquors without having obtained such licences, shall be applicable to the sale of Opium and other intoxicating Drugs within the Town of Calcutta.

ACT No. II. OF 1842.

Passed by the Right Hon'ble the Governor General of India in Council, on the 28th March, 1842.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from Calcutta, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. III. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 22nd of July, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for extending the Provisions of Act XXI. of 1839, to certain Petty Thefts, not being cases of simple Larceny.

Whereas it has been found that property has been rendered insecure in many cases, by reason of the impunity with which petty thefts, not being simple Larcenies, have been committed, it is hereby enacted, that Act No. XXI. of 1839, shall be extended to the following cases, where the property stolen does not exceed in value 20 Rupees, that is to say, to stealing any goods or merchandize in any vessel, barge or boat of any description whatsoever, or from any dock, wharf or quay—to stealing, by any servant, any chattel or money belonging to or in possession or power of his Master —to stealing any chattel or money from the person of another.

ACT No. IV. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 22nd of July, 1842, with the assent of the Right Hon'ble the Governor General of India.

FOR the better management of Boats and Catamarans in the Madras Roads and for the amendment of certain Harbour Regulations.

I. Whereas it is expedient to make Regulations for Boats and Catamarans employed in the Madras Roads, with a view to the better preservation of good order, the prevention of smuggling, and the general protection of life and property, and whereas certain Rules now in force for the Harbour of Madras require amendment,—

It is hereby enacted, that from and after the 1st day of September next, no person either as Owner or Servant shall use or employ, or be employed in, any Boat or Catamaran to carry Passengers, Goods or Letters, to or from any Ship or Vessel lying in the Madras Roads and Shore, unless such Owners or Owner of Boats and Catamarans shall have previously received a License, and unless the Boat or Catamaran which such Owners or Owner, Servants or Servant shall so use, has been registered as hereinafter mentioned, and in case any person who has not received such License shall employ or be employed in a Boat or Catamaran for the purposes aforesaid, or such Boat or Catamaran shall not have been so registered, such person shall be liable to a fine not exceeding the sum of 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and the Boat or Catamaran shall be liable to be seized by the orders of any Justice of the Peace and forfeited.

II. And it is hereby enacted, that upon the Master Attendant being satisfied that any such Boat is of the proper dimensions and capacity, and that the same is seaworthy, and of a proper quality for the purposes aforesaid, and upon the application of the Owner of any such Boat or of any Catamaran, and upon such Owner delivering to him a written paper signed by such Owner specifying his name, occupation and place of residence, and the names and places of residence of all such Boatmen or other persons as shall be employed by such Owner in and about the navigation and management of such Boat as particularly as may be, and also subscribing to a declaration in writing that he fully understands all the provisions of this Act and those contained in the Subsidiary Rules to the same Act, it shall and may be lawful, and the said Master Attendant is hereby required to grant to such Owner a License so to use the same in which License (if of a Boat) shall be expressed the dimensions, the number of Passengers or the quantity of Goods which such Boat shall be permitted to take and carry, and every such License shall also contain a number for such Boat or Catamaran, and the name or names, occupation or occupations, and place or places of residence of the Owner

Owner or Owners thereof, and the number of the Servants or Crew who shall be used or employed to row or navigate the same and their names and places of residence respectively, all of which particulars shall be entered in a Book or Registry for that purpose to be kept by the Master Attendant, and so often as the property in any such Boat or Catamaran, or any share of the same shall be transferred, every Owner of such Boat or Catamaran shall produce his License before the said Master Attendant, and such new Owner shall also deliver to him a written paper signed by such new Owner specifying his name, occupation and place of residence, and the names and places of residence of all such Boatmen or other persons as he shall employ, or propose to employ in and about the navigation and management of such Boat as particularly as may be, and shall also subscribe to a declaration in writing that he fully understands all the provisions of this Act, and those contained in the Subsidiary Rules to this Act, all which said particulars shall be duly entered by the said Master Attendant in a new Registry to be made by him of such Boat or Catamaran, and thereupon a new License to use such Boat or Catamaran expressing and containing the same particulars as are hereinbefore provided to be expressed in the original License shall be granted by the said Master Attendant, and whenever any such Owner or Owners, or any of the Boatmen or other persons employed to manage or navigate any such Boat or Catamaran shall change his or their place of abode, notice of such change of abode shall be delivered to the said Master Attendant by the said Owner, in order that such new place of abode may be entered in the Registry and License. In wilful neglect or default of which notice of change of Ownership or of the persons employed to row or navigate any such Boat, or of his or their or any or either of their change of residence, for the space of six days after any such change of residence, the Owner shall forfeit a sum not exceeding 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and for every such new Registration to be made by the said Master Attendant as aforesaid he shall be entitled to charge by way of fee the sum of one Rupee, and for every new License thereof the sum of one Rupee.

III. And it is hereby enacted, that in order to enable the said Master Attendant to grant a correct License of the Registry of every such Boat previous to the Registry of any Boat requiring such License, the said Master Attendant or his Deputy shall in the presence of the Owner of every such Boat or any other person duly appointed by such Owner, cause each such Boat to be surveyed and measured, and in case the same shall not in the judgment of the said Master Attendant or his Deputy be of the proper dimensions and capacity and seaworthy and of the proper quality for the purposes aforesaid, no Registry shall be made nor License be granted, until every such defect in the admeasurement, seaworthiness and quality of the said Boat shall have been rectified by the Owner thereof, and for every such survey and admeasurement a fee of three Rupees shall be paid by the Owner of any such Boat to the said Master Attendant.

IV. And it is hereby enacted, that the said Owner or Owners of every such Boat shall forthwith paint in black English figures, not less than six inches in length upon a white ground, such white ground having a margin of at least three inches beyond the outermost part of the figures, on a conspicuous part of the bow on one side and of the quarter on the other, and in a legible and distinct manner from left to right, the number in such Registry and License mentioned, and if any person shall fraudulently paint or counterfeit or cause or permit to be painted or counterfeited upon any Boat, any figure not having been duly registered, every such person shall forfeit the sum of 100 Rupees, and every such Boat shall also be forfeited.

V. And for the better prevention of fraud or omission in the painting, the figures hereinbefore provided to be painted, on all Boats, let out for hire as well as for the better distinguishing and identifying such Boats and Catamarans as have been registered and licensed, it is hereby enacted, that so often as any Registry is made, the said Master Attendant shall cause the number in the same to be cut or branded in the most common native characters, in some part or parts of every such Boat and Catamaran, and if the Owner

Owner or Owners of any such Boat shall neglect or refuse to keep painted, cut or branded any figure hereinbefore required to be painted, cut or branded, on any such Boat or Catamaran, in a fair and legible condition, or if he shall paint, cut or brand the same in a different manner or on a different part of such Boat than is hereinbefore provided, or shall wilfully erase, obliterate or in any way hide or conceal the same, or if the Owner of any such Boat or Catamaran shall knowingly permit any such act to be done, he shall forfeit a sum not exceeding 100 Rupees on conviction before a Justice of the Peace as that Justice shall direct, and if any person not being such Owner shall be guilty of or shall assist in any such incorrect painting, cutting, branding, erasure or concealment, he shall forfeit one moiety of the penalty in this Article imposed.

VI. And it is hereby enacted, that every Boat of the description and dimensions now in use (that is to say) not more than thirty-three feet in length, nine feet in breadth, and four feet four inches in depth, nor less than thirty feet in length, six feet in breadth and three feet six inches in depth, which shall be so licensed and registered as aforesaid, shall be manned with not less than two Steers-men, eight Rowers and one Baler, and shall if required be obliged to carry at one time any number of Passengers not exceeding fifteen, or any quantities of Goods not exceeding the quantity mentioned in the Schedule A. hereunder written; and in case Boats of different construction and dimensions shall be licensed and registered they shall be manned in such manner and shall be obliged to carry such Passengers or such a quantity of Goods as the Master Attendant shall direct, and shall express in the License under the penalty of 50 Rupees.

VII. And it is hereby enacted, that if any Boat be loaded with Passengers or Cargo beyond the number or quantity specified in the License granted to such Boat, the Tindal of such Boat shall be liable to a fine not exceeding 5 Rupees on conviction before a Justice of the Peace for every such surplus Passenger and for every Candy weight of such Cargo beyond such specified quantity, and the Owner of such Boat shall be liable to a fine of 50 Rupees on conviction before a Justice of the Peace, for every such surplus Passenger or surplus Candy weight of Cargo. And every person other than the Tindal or Owner who shall be guilty either as principal or accessary of the like offence of overloading any Boat shall be liable to a fine of 10 Rupees on conviction before a Justice of the Peace for every such surplus Passenger or surplus Candy weight of Cargo.

VIII. And it is hereby enacted, that no Boat or Catamaran so licensed shall leave the shore before gunfire in the morning nor after 5 o'clock in the afternoon, nor shall remain alongside any Ship or Vessel after 6 o'clock in the afternoon without leave from the Master Attendant or his Deputy, who shall be at liberty to prevent any Boat or Catamaran from putting off to or from the shore when in his judgment the doing so would be attended with danger, on which occasions the Master Attendant shall hoist at the mast head of his Flag-staff the following Flags, viz.: The white pendant with a red ball under a red and white chequered Flag; and in case any person offend against this Clause he shall be liable on conviction before a Justice of the Peace to forfeit and pay a sum not greater than 30 Rupees.

IX. And it is hereby enacted, that on the 15th day of December in every year the Owners of Boats and Catamarans which shall have been so licensed and registered as aforesaid shall expose them and their Crews on the Beach for the inspection of the Marine Board, and the Master Attendant shall once in every month or oftener, and as often as he may think necessary, require the Owner of the said Boats and Catamarans, or any one or more of them to expose them and their Crews on the Beach for his inspection; and in case any Owner shall neglect or refuse so to expose a Boat or Catamaran belonging to him, and in case, on any Boat or Catamaran being so exposed the Master Attendant shall deem it unseaworthy, or that its Crew is in an inefficient state, he shall suspend the License granted in respect thereof until the said Boat or Catamaran

Catamaran shall have been repaired and the Crew rendered efficient to the satisfaction of the Master Attendant—and it is hereby declared, that in case the Owner of any such Boat or Catamaran shall refuse or neglect to make such necessary repairs to the same and to render efficient the Crew thereof, within one month after such inspection, the License shall altogether be withdrawn from such Boat.

X. And it is hereby enacted, that Grain shall be landed within the space between the north angle of the Custom House and Clive's Battery, and all other Goods, excepting Timber, shall be landed within the space between the north angle of the Custom House and the south angle of Bentinck's Buildings, and that Timber may be landed any where if the permission of the Collector of Sea Customs be first obtained, and if such permission shall not have been obtained it shall be landed within the space between the north angle of the Custom House and Clive's Battery, and in case any person shall land or be engaged in attempting to land any Goods otherwise than as before directed, every such person shall be liable to pay on conviction before a Justice of the Peace a sum not greater than 100 Rupees as that Justice of the Peace shall determine.

XI. And it is hereby enacted, that all Vessels other than those commonly known as Native Vessels or Donies shall anchor in the South Roads the north angle of the Fort being one point, and the Master Attendant's Flag staff the other, and all Vessels commonly known as Native Vessels or Donies shall anchor in the North Roads, the north angle of the Custom House being the southern, and the Village of Royapooram the northern point, and the Owner of any Licensed Boat or Catamaran, on holding (except at the request of the Master Attendant) communication with a Vessel which shall be anchored otherwise than as aforesaid, shall on conviction thereof before a Justice of the Peace, be liable to pay a sum not greater than 10 Rupees as such Justice of the Peace shall direct.

XII. And it is hereby enacted, that the Owner or Owners of all Boats and Catamarans kept for the purpose of being commonly let out for hire shall when the same shall not be engaged in doing actual service for hire, by themselves or their Agents give daily attendance at the Boat Office from 5 A. M. until 6 P. M. so as to be ready to provide upon immediate notice their Boats or Catamarans for service or hire, and that for any neglect in so giving attendance (unless occasioned by sufficient excuse) such Owners shall be punishable by a Justice of the Peace on conviction by a fine not exceeding 10 Rupees.

XIII. And it is hereby enacted, that if any Owner of a Boat or Catamaran so licensed, or any person deputed by him shall demand a rate of hire beyond that which is sanctioned by Schedule B. under the several circumstances and restrictions therein provided for, he shall on conviction before a Justice of the Peace forfeit the sum of 10 Rupees, together with the amount of such hire.

XIV. And it is hereby enacted, that any Owner of a Boat or Catamaran so licensed, "and kept or employed for the purpose of being let out commonly on hire," or any person deputed by him, refusing to let on hire such Boat or Catamaran, for public or private use, and within the hours and in the terms specified in the Schedule B. to this Act, without assigning such cause for his refusal as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence will, on conviction before a Justice of the Peace, be liable to the penalty of 20 Rupees, and for a second refusal to a fine of 100 Rupees and to the forfeit of his license.

XV. And it is hereby enacted, that if any Boatman or Boatmen serving in any Boat or Catamaran kept and employed for the purpose of being let out commonly on hire to carry Passengers, Cargo or Letters, shall by wilful neglect or desertion of his duty, cause any impediment to the service of any such Boat or Catamaran, he or they shall

shall for the first offence be liable to receive corporal punishment not exceeding three dozen lashes on conviction before a Justice of the Peace, and if life shall have been thereby endangered, or in case of a second offence, he or they shall be committed to hard labour for a term not exceeding six months.

XVI. And it is hereby enacted, that the Owners of Boats and Catamarans, which are kept or employed for the purpose of being commonly let out for hire, shall keep and provide for service during the night, that is to say, from six o'clock in the Afternoon until six o'clock in the Morning at least, ten Boats and four Catamarans with their respective Crews, according to a course of rotation to be specified by the Master Attendant on the 1st day of every current month, and to be notified in writing on some conspicuous part of his Office as regards the particular nights for the attendance of particular Boats and Catamarans, and every Owner of any such Boat or Catamaran who shall fail to provide his Boat or Catamaran, without assigning such excuse for such failure as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence shall, if the Owner of a Boat, on conviction before a Justice of the Peace be liable to a penalty of 20 Rupees, and for a second offence to the penalty of 50 Rupees, and if the Owner of a Catamaran be liable to the penalty of 5 Rupees and for a second offence to the penalty of 10 Rupees.

XVII. And it is hereby enacted, that every Boat kept and employed for the purpose of being commonly let out for hire as aforesaid, shall be kept well and completely dunnaged and seaworthy, and in default thereof, the Owner or Owners of every such Boat or Boats shall, upon conviction before a Justice of the Peace, forfeit for each instance of neglect the sum of 5 Rupees, and if any Goods or Cargo shall have received injury or damage thereby the sum of 20 Rupees besides and over and above any legal liability to compensate such loss and if life shall have been endangered thereby, a sum not exceeding 100 Rupees, and also be liable at the discretion of such Justice to have his license for such Boat revoked.

XVIII. And it is hereby enacted, that if any communication by Boat or Catamaran is held with any Ship or Vessel in the offing, or beyond the limits of the Anchorage before the Master Attendant's Report Boat or Catamaran has boarded such Ship or Vessel, the Owner of such Boat or Catamaran shall forfeit the sum of 20 Rupees, and if any attempt is made to hold such a communication without the permission of the Master Attendant, he will incur a penalty of 10 Rupees.

XIX. And it is hereby enacted, that it shall be lawful for the Master Attendant or his Deputy, the Collector of Sea Customs or his Deputy, and all Sitting Magistrates and qualified Justices of the Peace, or such person or persons as he or they shall by warrant under their hands duly authorize for that purpose from time to time to go on board any Boat or Catamaran, and to search all parts of such Boat or Catamaran for prohibited or uncustomed or smuggled Goods, and also to examine into all Packages, Boxes or Baggage of whatever description, within or upon such Boat or Catamaran or landed therefrom, provided such Master Attendant or his Deputy, or other person to be appointed as aforesaid, shall have good reason to suppose that any such Package, Box or Baggage contains any smuggled or prohibited Goods, and they shall likewise have power and authority to search any person or persons on board any such Boat or Catamaran, or who may have landed therefrom, provided such Master Attendant or his Deputy, or other person appointed as aforesaid, shall have good reason to suppose that such person or persons hath or have any uncustomed, smuggled or prohibited Goods secreted about his or her persons; provided always that no female shall be searched by any other person than a female duly authorized for that purpose by the Collector of Customs; and it is hereby further enacted, that if any person shall resist to impede any or either of the said parties hereinbefore authorized to go on board, examine and search as hereinbefore provided in the execution of their duty, or in any manner prevent the performance of such duty, every such person shall be liable according

according to the circumstances of the case and the quality of the party offending, upon conviction before a Justice of the Peace, to fine not exceeding 100 Rupees, or to imprisonment with or without hard labour on the roads or otherwise for a period not exceeding six months, and in case any such offence be committed by any Owner of a Boat or Catamaran such Owner shall likewise forfeit his license.

XX. And it is hereby enacted, that the Sections III., IV., VII., VIII., IX, and X. of the Rule, Ordinance and Regulation passed by the Goverpor in Council of Fort St. George, commonly called the Marine Police Regulation, be hereby cancelled and repealed.

XXI. And it is hereby enacted, that the jurisdiction and authority ordained to be exercised by the Master Attendant and Deputy Master Attendant for the time being of the Port of Madras jointly or severally as Justices of the Peace, by virtue of the hereinbefore recited Regulation, shall and may be exercised (as regards such parts of the said Regulations not hereinbefore repealed) by any Justices of the Peace in and for the Presidency of Madras in like manner jointly or severally.

XXII. And it is hereby further enacted, that every person whatever who either as Owner or Servant, shall use or employ, or be employed in any Boat or Catamaran in the Madras Roads shall be amenable to Sections XI., XII, and XIII. of the above recited Regulation.

XXIII. And it is hereby further enacted, that Section XXXVI of the above recited Regulation shall hereafter apply to the fixing up at the Offices therein mentioned copies of the same, omitting all other notice of those Sections thereof which are by this Act repealed, save that the same are so repealed.

XXIV. And it is hereby enacted, that all pecuniary forfeitures and penalties had or incurred under or against this Act, shall and may be heard and determined by any Justice of the Peace of the Town of Madras, who is hereby empowered and authorized to hear and determine the same, and to issue his summons or warrant for bringing the party or parties complained of before him the said Justice, and upon his, her or their appearance or contempt and default to hear the parties, examine witnesses and to give judgment or sentence according as in and by this Act is directed; and it is hereby further declared that it shall be lawful for any Justice who may have adjudged any pecuniary penalty under the provisions of this Act to award and issue out a warrant or warrants under his or their hands and seals for the paying of such forfeitures and penalties as may be imposed or adjudged upon the Goods and Chattels of the offender and cause sale to be made of the same if they shall not be redeemed within six days, rendering to the party the overplus, if any, after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof, and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for the Justice as last aforesaid, and he is hereby authorized and required by warrant or warrants under his hand and seal to cause such offender or offenders to be committed to prison there to remain for any time not exceeding six months unless such forfeitures and penalties and all reasonable charges shall be sooner paid and satisfied, and that all the said forfeitures when paid and levied shall, after deducting all necessary charges and also a compensation not exceeding one-third to be settled and ascertained by the said Justice before whom the conviction may take place, and to be given to the officer or other persons giving information and prosecuting, to be applied and disposed of according to the directions of the Honorable the Governor in Council.

SCHEDULE A.

ACT No. IV. OF 1842.

SCHEDULE A.

SCHEDULE of Articles composing a Boat load.

1. GOODS taken by WEIGHT OF MEASUREMENT.

These Articles are computed at 2 tons to a boat load.

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf.	REMARKS.
Benjamin	boxes	25	20	small.
	bundles	60		
	Chests	12	.....	half.
Biscuits	bags	30		
Boat Oars	No.	100		
Boots and Shoes	cases	8	6	small.
		6	4	large.
Butts	No.	3	2	
Broad Cloth	bales	8	6	large.
		10	8	middling.
		12	10	small.
Button	cases	6	4	
Beef	tierces	8		
	hogshead	6		
Carriage	No	1		
Cotton screwed	bales	8	.....	of 300 lbs.
		10	.....	250 ,,
		12	.....	150 ,,
Ditto loose	bags	16		
Codjoor Nuts	bundles	10	8	
Cocoanuts	No.	1000	.....	with husk.
		1500	.....	without ditto.
	bags	25	.....	small.
		20	.....	large.
Chests	No.	4	3	12 dozen.
Ditto half	No.	8	6	6 ditto.
Canvas	bales	4	3	20 bolts each.
Clothing	bales	8	6	3 corges each.
		10	8	2 do. do.
		12	10	1 do. do.
Cheacoy	bundles	20	15	
Chillies	ditto	20	15	
Choya Root	ditto	6	.....	large.
		8	.....	small.
Cochineal	boxes	12	10	
Cinnamon	bags	35	30	
Camphire	boxes	12		
Cloves	bags	40	.....	80 lb. weight each bag.
Curry Stuff Seeds	bags	25	20	Ramiapatam bags.
Dates	bags	35	25	when from Bombay.
Ditto	tons	2	1½	when the packages are various.
Drugs	bags	12	10	
Eating Leaves	bundles	40		
Flour	casks	8	6	
Grain — Ramiapatam	bags	20	.....	shipping.
		25	.....	landing.
Grain — Bengal	bags	25	.....	shipping.
		30	25	landing.
Glass Ware	chests	6	.....	whole.
		12	.....	half.
Gunny	bundles	6	.....	large.
		12	.....	small.
Gun Powder	barrels	25	.....	100 lbs. each.
		30	.....	60 do. do.
Gallingale	bundles	25		
Gin	cases	30		

Gun Carriage

Articles.	Packages.	Fair weather.	Foul weather or high surf.	Remarks.
Gun Carriage	No.	1	.....	complete with wheels, from 3 to 24 pounders.
Ginger Dry	bags	30		
Hay	bales	8	6	
Horns	No.	1000		
Hogsheads	No.	6	4	
Hams	No.	120		
Indigo	chests	8	.....	whole.
		12	.....	half.
Leaguers	No.	2		
Nankeen	boxes	20		
Nuts	bags	30		
Pickle, Europe	boxes	30	20	
Palanquin	No.	1		
Piece Goods	bales	6	.....	large 3 and small 4 bales for China.
		8	.....	
Pumpkins	No.	100	.....	large.
		250	.....	small.
Puncheons	No.	4	3	
Pipes	No.	3	2	
Ditto half	No.	6	4	
Pork	tierces	8		
	casks	8	6	
Pepper	bags	35	25	
Rafts — Artees	No.	12	10	large.
		20	.....	small.
Rafts — Bindoo Plank	No.	25		
Rafts — Chittagong do.	No.	25	20	
Rafts — Duggies	No.	1	.....	large shipping.
		2	.....	small shipping.
		8	.....	large landing.
		12	.....	small landing.
Rafts — Mango do.	No.	20	.....	landing.
		10	.....	shipping
Rafts — Shinbins	No.	20	.....	landing.
		8	.....	shipping.
Rafts — Spars	No.	1	.....	large.
		4	.....	small.
Rattans	No.	250	.....	100 in a bundle.
		500	.....	50 in do.
Reapers	No.	60	.....	10 in do.
Saddlery	cases.	8	6	
Shark's Fins	bundles	3		
Sheathing Boards	No.	100	.....	double.
		150	.....	single.
Soap Nut	bags	30		
Spices of all sorts	bags	10	.....	large.
		20	.....	small.
Stationery	cases	6	4	
Staves	packs	20		
Stick Lac	bags	30		
	bundles	40		
Sugar	casks	4		
Ditto	lumps	50	.....	large.
		70	.....	small.
Ditto of Batavia	canisters	6		
Ditto of Bengal	bags	20		
Ditto ditto	chests	6		
Ditto China	small packages	40		
Sugar Candy	tubs	25		
Ditto ditto	½ do.	50		
Tents	setts	6	.....	private two-poled tents.
Tamarind	bags	15		
Ditto Bengal	bags	20		
Thread	bundles	7	6	
Tobacco	bags	30		

ACT No. IV. OF 1842.

II. DEAD WEIGHT.

Computed at 1½ ton per Boat load.

Articles.	Packages.	Fair weather.	Foul weather or high surf.	Remarks
Anchor	No.	1	.....	of 12 cwt. small anchors and grapnels in like proportion.
Arms	chests	12	.....	12 muskets each.
Black Wood	candies	6	.....	shipping.
		7	.....	landing.
Copper Sheet	chests	6	4	
	cases	4	3	
	slabs	100	80	large.
Guns, Iron or Brass	No.	3	.....	3 pounders.
		2	.....	4 or 6 ditto
		1	.....	9 ditto
Japan	chests	10	8	
Metals of all kinds	tons	1½		
Nails	tons	1½		
Red Lead	tons	1½		
Red Wood	tons	1½		
Sandal Wood	tons	1½		
Salt	bags	25		
Saltpetre	bags	25		
Shells	No.	20	.....	13 inches.
		100	.....	10 or 8 do.
		250	.....	5½ do.
		300	.....	4½ do.
Shot	No.	150	.....	24 pounders.
		200	.....	18 do.
		300	.....	12 do.
		400	.....	9 do
		500	.....	6 do.
Treasure	boxes	6	4	

III. MISCELLANEOUS ARTICLES.

Bullocks	No.	2		
Coals	tons	2	1½	
Cow and Calf	No.	1		
Fire Wood: Ramiapatam	500	.....	.....	large.
	1000	.....	.....	small.
Fire Wood: Candarungum	600			
Fire Wood: Checurucottah	2000			
Fire Wood: Alumbarary	2000			
Fire Wood: Kistnapatam	1000			
Fire Wood: Alepanum	150			
Fire Wood: Cuddalore	1500			
Fire Wood: Acheedandoo	2000			
Fire Wood: Rangoon	2000			
Ghee and Oil	dubbers	25		
Horse	No.	1		
Linseed Oil	jars	20		
Loose Oakum	whatever quantity can be stowed conveniently.			
Peeul weights of all kinds	peculs	30	25	
Pigs	No	15		
Ponies	No.	2		
Poultry	baskets, any quantity that can be stowed conveniently.			
Sand Ballast	tons	2	1½	
Seed Cocoanut	No.	200		
Sheep	No.	30		
Tar	barrels	8	6	
Tarpaulin	No.	30		

The Number of Passengers composing a Boat load :

Europeans ..... 12 persons.
Natives ..... 15 "

N. B.—Two Children are to be considered equal to one grown up *person*.

SCHEDULE B.

ACT No. IV. OF 1842.

SCHEDULE B.

Maximum Rate of Boat and Cattamaran Hire.

Accommodation Boats.		Rs.	A.	P.
Ordinary Trip South or North Road,	per trip	3	8	0
Extra hire in and beyond 9 fathoms,	ditto	1	8	0
Foul Weather Trip,	ditto	6	0	0
Transhipment,	ditto	1	0	0

Common Boats.		South Road.			North Road.		
Ordinary Trip,	per trip	1	8	0	0	15	0
Ballast ditto,	ditto	1	10	0	1	0	0
Ballast in and beyond 9 fathoms,	ditto	2	10	0	2	0	0
Return Trip,	ditto	0	12	0	0	8	0
Return Trip in and beyond 9 fathoms,	ditto	1	8	0	0	15	0
Water Ordinary Trip,	ditto	3	8	0	3	0	0
Water in and beyond 9 fathoms,	ditto	4	3	0	3	2	6
Trip in and beyond 9 fathoms,	ditto	2	12	0	2	2	0
Transhipment,	ditto	0	15	0	0	15	0
Transhipment in and beyond 9 fathoms,	ditto	1	14	3	1	14	3
Foul in and beyond 9 fathoms,	ditto	4	3	0	3	2	6

Small Cattamaran.				
Ordinary Trip South or North Road,	per trip	0	5	0
Foul Weather, or in or beyond 9 fathoms,	ditto	0	10	0
Cattamaran for rafting Timber,	per day	1	0	0
Large Cattamaran Hire.				
For Landing or Shipping an Europe Cable of 13 to 16 Inches,		18	12	0
For ditto of 17 to 22 Inches,		28	8	0
For Shipping Chain Cables,	per trip	18	12	0
For ditto an Anchor from 14 to 29 Cwt.		18	12	0
For ditto an Anchor from 30 to 50 Cwt.		28	12	0
For making a rope fast to an Anchor under 12 Cwt		10	0	0
For ditto ditto above 12 and under 20 Cwt.		20	0	0
For ditto ditto above 20 Cwt.		35	0	0
Tarpaulin.				
Per Trip,		0	4	0
Water Casks.				
Per Trip (4 Casks,)		0	9	5

Extra Hire in addition to the Regulated Charges for Boats and Cattamarans.	Accommodation Boot.			Common Boat.			Cattamaran.		
South Road trips between 6 and 8 P. M.,	1	12	0	0	12	0	0	2	6
North Road trips ditto ditto,	1	12	0	0	7	6	0	2	6
South Road trips between 8 P. M. and 5 A. M.,	3	8	0	1	8	0	0	5	0
North Road trips ditto ditto,	3	8	0	0	15	0	0	5	0
Boats or Cattamarans detained alongside for every three hours during the day or night,	3	8	0	1	8	0	0	5	0
Boats or Cattamarans employed between the Commissariat Granary and Parry and Co.'s Office,	0	14	0	0	6	0	0	1	3
Ditto between Parry and Co.'s and the Tunnel,	1	12	0	0	12	0	0	2	6
Ditto between the Tunnel and the Sea Gate,	2	5	4	1	0	0	0	3	4
Ditto between the Sea Gate and the Marine Villa,	4	10	8	2	0	0	0	6	8
Ditto between Marine Villa and Adyar,	7	0	0	3	0	0	0	10	0
Ditto North of Royapooram,	1	12	0	0	9	6	0	2	6
Ditto Trivatoor and Ennore,	10	8	0	3	9	0	0	15	0
Beyond the limits of the Anchorage,	1	8	0	1	8	0	0	5	0
Boats employed on Sundays,	1	8	0	0	9	0	0	2	0

N. B. The ordinary period within which Boats and Cattamarans shall be let on hire, shall be between Sunrise and Sunset

ACT No. V. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 29th of July, 1842, with the assent of the Right Hon'ble the Governor General of India

An Act concerning payment on account of Licenses for the Sale of Spirits in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whenever a License to retail Spirituous Liquors in the Islands of Bombay and Colaba shall be granted under the Provisions of Act XVIII. of 1840, the Officers granting such Licenses shall be authorized to demand such Fee, Tax, or Duty in consideration of the privilege granted as may from time to time be fixed by such Officers under the sanction of the Governor of Bombay in Council. And such Fee, Tax, or Duty may be made payable in advance, or at such period as may be settled under such authority as aforesaid.

II. And it is hereby enacted, that it shall be lawful for the Officers granting such Licenses to withhold or recall the same in case the Fee, Tax, or Duty aforesaid be not duly paid according to the conditions upon which any such License shall be granted. And any person vending Spirituous Liquors within the Islands aforesaid whilst such License shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Spirituous Liquors without a License.

ACT No. VI. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 5th of August, 1842, with the assent of the Right Hon'ble the Governor General of India

An Act for annexing to the British Territory certain Villages belonging to the late Nepanee Jagheer, and acquisitions by exchange from the Sattara State, and for bringing under the Regulations an Inam Village of Purgunnah Yelloor.

Whereas the Villages lately composing the Nepanee Jagheer have lapsed to Government, and it has been deemed desirable, in order to the better consolidation and management of the British and Sattara Territories, to exchange certain Villages for mutual convenience, and whereas the Village of Deshoor, in Pergunna Yelloor, though held in Inam under the British Government, has not yet been brought under the Regulations;

It is hereby enacted, that from the time of passing this Act, so much of Regulation XXIX. of 1827 and Regulation VII. of 1830, as relates to the undermentioned seven Villages, viz.

Jaleehall, Purgunna Honwar.

Teengnee Beedree, Purgunna Ghota.

Hongunhullee, Karjol, ... } Purgunna Moolwad.

Oopuldinee, Purgunna Mohumudapoor.

Allasundeh Prant Kagul.

Boblad, Purgunna Burdole.

And so much of Act VIII. of 1839, as relates to the undermentioned four Villages—

Kusba Ashta, Kuryat Ashta, and Sumdolee, Kuryat Sanglee .. } Prant Meeruj,

Moje Koondul,. ... and Moje Ponudee, ... } Turuf Valwe Prant Punnala,

shall be rescinded; and that the following Villages shall be subject to all Acts and Regulations which are or shall be in force within the territories subject to the Presidency of Bombay.

Nineteen

Nineteen Villages of Purgunna Neergoondee.

1 Kusba Neergoondee
2 Moje Hebbal
3 Ditto Keersal
4 Ditto Abbihal
5 Ditto Yelgoor
6 Ditto Kasinkoontee
7 Ditto Boodihal
8 Ditto Musootee
9 Ditto Mooddapoor
10 Ditto Eettgee
11 Moje Rajnal
12 Ditto Bidnal
13 Ditto Korganoor
14 Ditto Aldinnee
15 Ditto Gonal
16 Ditto Katapoor
17 Ditto Dewlapoor
18 Ditto Murikuttee
19 Ditto Neerulbhavee

Twelve Villages of Purgunna Chandkowte.

1 Kusba Chandkowte
2 Moje Chutterkee
3 Ditto Roogee
4 Ditto Moolsawulgee
5 Ditto Aheree
6 Ditto Jumbgee
7 Moje Daberee
8 Ditto Eetunhullee
9 Ditto Gugunhullee
10 Ditto Solapoor
11 Ditto Hunchinal
12 Ditto Kurulwar

Seven Villages of Purgunna Ooklee.

1 Moje Donoor
2 Ditto Neginhal
3 Ditto Moollal
4 Ditto Kuggoor
5 Moje Hurgullee
6 Ditto Hurginhal
7 Ditto Honutgee

Seven Villages of Purgunna Nuldroog.

1 Moje Kesurzuwulgee
2 Ditto Moostee
3 Ditto Sulgur
4 Ditto Arlee
5 Moje Kalegaon
6 Ditto Ebhrampoor
7 Ditto Kakrumb

Five Isolated Villages.

1 Moje Pooluz, Purgunna Mohul
2 Ditto Hurulgee, Purgunna Kulboorga
3 Ditto Hottgee, Purgunna Ahirwaree
4 Moje Awrad, Purgunna Mundroop
5 Moje Moogulee, Purgunna Maindurgee

Twenty-four Villages of Purgunna Hortee.

1 Kusba Hortee
2 Moje Koloorgee
3 Ditto Domnal
4 Ditto Kunchinal
5 Ditto Muknapoor
6 Ditto Boblad
7 Ditto Hudulsung
8 Ditto Nimbal Boodrook
9 Ditto Nimbal Khoord
10 Ditto Kunnal
11 Ditto Bomunhullee
12 Ditto Agusnal
13 Moje Busnal
14 Ditto Sawulsung
15 Ditto Hulgoonkee
16 Ditto Goondwan
17 Ditto Sonkunhullee
18 Ditto Koorgee
19 Ditto Morusnal
20 Ditto Deginal
21 Ditto Goonkee
22 Ditto Turgoondee
23 Ditto Kottnal
24 Ditto Kupnimburgee

Twenty-eight

Twenty-eight Villages of Purgunna Hulsungee.

1 Kusba Hulsungee
2 Moje Yelgee
3 Ditto Turiwaree
4 Ditto Arjnal
5 Ditto Bhairungee
6 Ditto Boodihal
7 Ditto Keroor
8 Ditto Chunegaon
9 Ditto Anjotgee
10 Ditto Dhoolkhur
11 Ditto Purnoor
12 Ditto Bewnoor
13 Ditto Chorgee
14 Ditto Munn Ankulgee
15 Moje Mahnhullee
16 Ditto Murgoor
17 Ditto Chouryal
18 Ditto Hingnee
19 Ditto Burgoondee
20 Ditto Ahersung
21 Ditto Mailar
22 Ditto Seergoor
23 Ditto Anchee
24 Ditto Nundral
25 Ditto Seernal
26 Ditto Lonee Khoord
27 Ditto Bulolee
28 Ditto Jhulkee

Twenty-four Villages of Purgunna Bagewaree.

1 Moje Moottgee
2 Ditto Engleshwur
3 Ditto Salwargee
4 Ditto Heepurgee
5 Ditto Dindwar
6 Ditto Rubnal
7 Ditto Deginal
8 Ditto Tukulkee
9 Ditto Oottnal
10 Ditto Munoor
11 Ditto Hullihal
12 Ditto Kuribuntnal
13 Moje Hoonshal
14 Ditto Hoolbenchee
15 Ditto Hunchinal
16 Ditto Agusbal
17 Ditto Ewungee
18 Ditto Kamunkeree
19 Ditto Boodihal
20 Ditto Ooppuldinee
21 Ditto Nursungee
22 Ditto Nagoor
23 Ditto Ambulnoor
24 Ditto Sunknal

Thirteen Villages of Purgunna Annigeree.

1 Kusba Annigeree
2 Moje Hullikeree
3 Ditto Saswihullee
4 Ditto Kondikopp
5 Ditto Bussapoor
6 Ditto Bhudrapoor
7 Ditto Untoor
8 Moje Saidapoor
9 Ditto Munjegood
10 Ditto Kawulwar
11 Ditto Hullihal
12 Ditto Bunnoor
13 Ditto Nagnoor

Fifteen Villages of Purgunna Uthnee.

1 Kusba Uthnee
2 Moje Azor or Yemmihal
3 Ditto Siroor
4 Ditto Nagnoor
5 Ditto Jumbgee
6 Ditto Sewnoor
7 Ditto Mullabad
8 Ditto Bewnoor
9 Moje Yekunchee
10 Ditto Burchee
11 Ditto Koulgood
12 Ditto Sinal
13 Ditto Musurgooppee
14 Ditto Hunmapoor
15 Ditto Kirugeree

ACT No. VI. OF 1842.

Sixteen Villages of Purgunna Honwar.

1 Kusba Honwar
2 Moje Kukmuree
3 Ditto Bijjurgee
4 Ditto Kotulgee
5 Ditto Kohullee
6 Ditto Yellihudulgee
7 Ditto Bargee
8 Ditto Aigullee
9 Moje Uluginhal
10 Ditto Babanuggur
11 Thana Telsung
12 Moje Urtal
13 Ditto Bunnoor
14 Ditto Kunnal
15 Ditto Halhullee
16 Ditto Kunnura

Six Villages of Purgunna Gureekokutnoor.

1 Kusba Gureekokutnoor
2 Moje Suttee
3 Ditto Dodwar
4 Moje Junwar
5 Ditto Bulwar
6 Ditto Korganoor

Fifteen Villages of Purgunna Gulgullee.

1 Kusba Gulgullee
2 Moje Amuljhuree
3 Ditto Koloor
4 Ditto Yerhullee
5 Ditto Rubkuvvee
6 Ditto Gunnee
7 Ditto Hunchinal Khoord
8 Ditto Hunchinal Boodrook
9 Moje Chowrapoor
10 Ditto Boodnee
11 Ditto Bulwulmottee
12 Ditto Boodihal
13 Ditto Goolbal
14 Ditto Bisnal
15 Ditto Moondugnoor

The following Nine Isolated Villages.

1 Moje Hipurgee, Purgunna Jumkhundee
2 Ditto Nipanee, } Kuryat Latt
3 Ditto Seergoopee, } Kuryat Latt
4 Ditto Belkhor, Kuryat Kubboor
5 Ditto Mudunbhavee, Kuryat Naysurgee
6 Seergaon, dependant on the Fort of Heeree Gundhurvgurh
7 Bhiwsee, Prant Kagul
8 Moochundee, Purgunna Jutt
9 Deshoor, Purgunna Yelloor

ACT No. VII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 19th of August, 1842, with the assent of the Right Hon'ble the Governor General of India.

AN Act for repealing certain provisions of the Bengal Code regarding translations

I. Whereas the rules regarding the rate of payment for translations of proceedings and other documents for the use of the Civil Courts fixed by Section V. Regulation XIX. 1797, and Section XXXIII. Regulation IV. 1803, of the Bengal Code, require amendment;—

It is hereby enacted, that Section V. Regulation XIX. 1797, and Section XXXIII. Regulation IV. 1803, be repealed.

ACT No. VIII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd of September, 1842, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.

It is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX. of 1841 and No. XX. of 1841, shall be applicable to the Courts of highest Civil jurisdiction in the Madras and Bombay Presidencies respectively, and that, in future Acts generally applicable to all the Presidencies, the terms "Sudder Court" shall be deemed applicable to the Courts respectively of the highest Civil and Criminal jurisdiction, as the case may be, of all the Presidencies.

ACT No. IX. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd of September, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for extending the Statute Ch. XXI. 4th and 5th of Queen Victoria in certain cases to the Territories of the East India Company.

I. It is hereby enacted, that the Statute Ch. XXI. of the 4th and 5th years of the reign of Queen Victoria, entitled "An Act for rendering a Release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same parties," shall be extended to the territories of the East India Company from the 1st day of October next; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed and provided, that every deed or instrument of Release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be necessary that it be expressed to be made in pursuance of the Statute aforesaid.

An Act for rendering a Release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same Parties.

[18th May, 1841.]

"Whereas it is expedient to lessen the expense of conveying Freehold Estates:" Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, That every Deed or Instrument of Release of a Freehold Estate, or Deed or Instrument purporting or intending to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the 15th day of May, 1841, [and shall be expressed to be made in pursuance of this Act,] shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing party or parties who shall have executed the same had also executed in due form a Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a year shall be executed, provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same amount of Stamp Duty as any Bargain and Sale or Lease for a year would have been chargeable with (except progressive Duty) if executed to give effect to such Deed or Instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

II.

II. "And whereas many Deeds or Instruments of Bargain and Sale or Leases for a year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been lost or mislaid;" be it enacted, That where, in or by any Deed or Instrument of Release of Freehold Estates executed before the 15th day of May, 1841, any Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Deed or Instrument of Release shall be recited, or by any mention thereof in such Deed or Instrument of Release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive Evidence of the Deed or Instrument of Bargain and Sale or Lease for a year so recited or mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after the 15th day of May, 1841, whether such Deed or Instrument of Bargain and Sale or Lease for a year shall or shall not have been lost or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any proceedings at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale of Lease for a year shall be in question between the party claiming under such Bargain and Sale or Lease for a year and the party claiming adversely thereto, and such Bargain and Sale or Lease for a year if the result of such proceedings shall invalidate the same, shall not be rendered valid by this Act.

III. And be it enacted, that in the construction of this Act the word "Freehold" shall have not only its usual signification, but shall extend to all Lands and Hereditaments for the conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a year, as well as a Release, would have been used.

ACT No. X. OF 1842

Passed by the Hon'ble the President of the Council of India in Council, on the 14th of October, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for enabling the Inhabitants of any place of public resort or residence under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience.

I. It is hereby enacted, that if it shall appear to either of the Governments of the Presidency of Fort William, that two-thirds in number of the householders of any Town, Suburb, Settlement or place of public resort and residence within that Presidency are desirous of making better provision for the repairing, cleansing, lighting, draining or watching of any public streets, roads, drains or tanks, or any like local purpose, it shall be lawful for the Local Government to which such place as above described is subject to authorize the same in manner following.

II. And it is hereby enacted, that the Local Government, upon any application made to it for the purpose by or on the part of the householders aforesaid, may, at its discretion, authorize the persons whose names shall be presented or so many of them as may be thought proper being inhabitants of the place as above described to be a Committee for the purpose of effecting the local objects specified in the application.

III. And it is hereby enacted, that any such Committee may make such assessments and at such rates as may be necessary for effecting the objects aforesaid, and may make all necessary contracts and appoint such servants as may be required with reasonable salaries. Provided always that no rate exceeding the amount of five per cent. on the rent or yearly value of the premises within the place as above described, or more than one rate in any year shall be raised without the express sanction of the Local Government. Provided also that no Member of any such Committee shall be personally liable in respect of any contract entered into by such Committee on behalf of the inhabitants of any place as above described. Provided that the said Committee and every Member thereof shall be liable for the misapplication of all monies collected, and the same shall be recoverable in a Civil action as the money and at the suit of the Local Government.

IV. And it is hereby enacted, that the Local Government shall in every case prescribe such rules for every Committee as may appear necessary for the proper security of the funds collected from the inhabitants. And shall have the power of removing any Member of every such Committee on its appearing to such Government that the security or efficiency of the trust is in danger of being impaired. And in case of no person

person being named by the remaining Members of the Committee to the satisfaction of the Local Government to act upon such Committee in the place of the person removed within one month, the Local Government may appoint a Member of the Committee in the place of the person removed.

V. And it is hereby enacted, that every such Committee shall on the 30th day of April, in every year, or oftener, if required by the Local Government, render to the Local Government an account of all sums received and expended in the preceding year, in such form and with such vouchers as the Local Government may from time to time require.

VI. And it is hereby enacted, that upon the application of such Committee to any Magistrate or Justice of the Peace, such Magistrate or Justice is required to exercise the same powers for levying the rate which may be due from any defaulter as are specified in Act II. of 1839.

VII. And it is hereby enacted, that no rate shall be invalidated for defect of form, and it shall be sufficient if in any such rate as aforesaid, or any assessment for the purposes of such rate the property assessed shall be sufficiently identified, and it shall not be necessary to specify the name of the owner or occupier thereof. And all property found at any time upon the premises rated shall be liable to be seized and sold under Warrant from a Magistrate or Justice of the Peace for the payment of the rate.

VIII. And it is hereby further enacted, that it shall be competent at all times to the Local Government to dissolve any such Committee, and to appoint any person or persons to inquire into and report upon the conduct of such Committee or of any Members thereof in the execution of their Trusts, and such person or persons so appointed shall have power to send for persons, papers and records, and to compel the attendance or delivery of the same and to examine witnesses upon oath.

ACT No. XI. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st of October, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending and explaining the Law concerning the importation of Foreign Sugar.

It is hereby enacted and declared that the prohibition and penalties contained in Acts No. XXXII. of 1836 and No. XV. of 1839, against the landing or attempting to land in any part of the Territories subject to the Presidency of Fort William in Bengal, or the Presidency of Fort St. George, of any Foreign Sugar, or any Sugar which is the growth of any British possession into which Foreign Sugar can be legally imported, shall apply and be deemed to apply to such Sugar otherwise imported into any part of the Territories subject to the said Presidencies.

ACT No. XII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 28th of October, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for the better Regulation of Military Bazars, and defining the liabilities of Camp-followers.

I. It is hereby enacted, that no person residing within the limits of any Military Cantonment and carrying on trade therein, or who shall have been a trader at any Military Cantonment, shall be allowed to recover in any Military Court of Requests for the Native Troops of the East India Company, held within any such Cantonment, any debt contracted in the way of trade, or for the loan of money, within any such Cantonment, by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall at the time of contracting thereof have been registered as a Military Bazarman within any such Cantonment.

II. And it is hereby declared, that all persons serving with any part of the Army and receiving public pay in any capacity, menial Servants, and other Camp-followers of every description, shall be subject to the provisions of Acts No. XI. of 1841 and No. XXVIII. of 1841, in like manner as enlisted Soldiers.

ACT No. XIII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 28th of October, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act to enable the holders of Revenue which has been alienated to them by the State, to collect that Revenue within the Presidency of Bombay.

I. Whereas it is expedient to authorise the grant by the Governor in Council of Bombay, at his discretion, of Commissions to certain Jageerdars, and others, by virtue of which such persons shall possess increased powers for collecting the Revenue due to them;—

It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant any Jageerdar, Surinjamdar, Inamdar, or other person holding Lands or Villages the Revenue of which has been alienated to him by the State, a Commission conferring upon him authority for the collection of such Revenue by the powers hereinafter mentioned, or such of them as shall be specified in the Commission in addition to the powers now exercisable by law.

II. And it is hereby enacted, that such Commission, which shall be drawn out according to the form of the annexed Schedule A, shall be granted or withheld, and, when granted, shall be liable to be withdrawn at the pleasure of Government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more Agents of such holder of alienated Revenue as well as to the holder in person.

III. And it is hereby enacted, that the holder of such Commission shall have authority to demand security for the payment of the Revenue, in respect of the Lands or Villages specified in the Commission, and if the same be not furnished, to take such precaution as the Collector is authorised to make under Section XI. Regulation XVII. of 1827, Bombay Code.

IV. And it is hereby enacted, that the holder of such Commission shall have authority to send Mohussuls on Defaulters under the Provisions of Clauses 2, 3, and 5, Section XII. Regulation XVII. of 1827, Bombay Code, provided that one foot Mohussul only be employed in each case, and that the Mohussulee shall cease on the enforcement of any other remedy for the collection of the Revenue, except the taking of such security as aforesaid.

V. And it is hereby enacted, that the holder of any such Commission shall be authorised to attach the property of persons making default in the payment of such Revenue as aforesaid, making an immediate report to the Collector or his Assistant of his having done so, and should the demand on account of which the attachment may be made appear to the Collector or his Assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the Provisions of Clause

Clause VII. Section XII. Regulation XVII. of 1827, Bombay Code, except in cases in which the holder of the Commission by whom the attachment has been made shall be a Jageerdar. Surinjamdar or Inamdar, vested by Regulation XIII. of 1830, with Civil jurisdiction and with power to execute his own decrees or his Agents, when the sale shall be conducted by him, and not by the Collector and his subordinate Revenue Officers.

VI. And it is hereby enacted, that all compulsory process under this Act shall cease on the alleged defaulter furnishing security to the holder of the Commission or to the Collector or Assistant Collector of the District, to institute a suit within 15 days in a competent Court for the purpose of trying the demand and to pay the amount which may be decreed against him with costs and interest in such Court, provided that such suits in which any one of the privileged classes established by Regulation XXIX. of 1827, Sections III. and IV. and by Regulation VII. of 1830, Bombay Code, may be the defendant, shall be tried before the Collector and his Assistants, any thing in Regulations I. and XVI. of 1831, notwithstanding. And any holder of any such Commission as aforesaid by himself or his Agents proceeding with any compulsory process under this Act after the furnishing of such security as aforesaid, or after the due tender thereof, shall forfeit three times the amount of the Revenue sought to be recovered by such compulsory process.

VII. And it is hereby enacted, that if the Revenue or rent payable to a Jageerdar or other holder of Government alienated lands or villages shall have been fixed by a Government Officer before the grant of the Land in free tenure, or if the rent or Revenue tendered by any Ryot or other person be at the usual rate payable according to the custom of the Village and Purgunna as declared by the Koolkurnee and other Local Officers of Revenue, the enforcement of a demand by any holder of a Commission under this Act of an excess of rent or Revenue beyond the amount due as above provided shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain upon any judgment being passed after regular or summary trial three times the amount of any such excessive demand as damages for the same. . Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated Lands or Villages from instituting a suit in any Court of competent jurisdiction for the purpose of establishing his claim to re-assess the Lands or re-settle the Revenue of any Ryot or other who may be paying less than the full Juma to which he is justly liable, and upon such holder obtaining a decree adjudging to him such power the demand made by him under such decree, shall, if conformable thereto be deemed a legal demand for arrears, and shall be leviable by the same process as is above provided for other arrears due.

VIII. And it is hereby enacted, that the power conferred by such Commission shall extend to the enforcement of the payment of the Revenue of the current season and of the season next immediately preceding, and not to that of former years.

SCHEDULE A.

Form of Commission to be issued to a holder of alienated Revenue or his Agent for enabling him to recover such Revenue.

SEAL

The Governor in Council of Bombay by virtue of the powers vested in him by Act XIII. of 1842, is pleased to confer on you ——— (Jageerdar, &c., or Agent, &c., as

as the case may be) power to realize all Revenue demands due to you (or to your principal) from the Villages and Lands specified in this Commission in the manner prescribed in (or in Sections ——— of) this Act.

The Villages and Lands over which the power thus conferred upon you extends are as follows:

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the re-call of the said Governor in Council.

Signed ———.

ACT No. XIV. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 25th of November, 1842, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for giving greater facility in the abatement and prosecution of Nuisances in and through the Towns and Islands of Bombay and Colaba.

I. It is hereby enacted, that no person shall throw, or deposit, or cause to be thrown or deposited any offensive matter or thing whatever on any open space of ground contiguous to any public thoroughfare on the Islands of Bombay or Colaba.

II. And it is hereby enacted, that the owner or occupier of every such open space shall on a written order from the Court of Petty Sessions for such purpose forthwith enclose the same with a fence or wall, and in default thereof for the space of ten days the said Court shall cause such enclosure to be made, and the expense thereof shall be defrayed by the Municipal Fund, and the said owner or occupier shall be liable to a penalty not exceeding twice the amount so expended.

III. And it is hereby enacted, that it shall be lawful for the said Court of Petty Sessions to order and direct, that proper and suitable drains or gutters for the conveyance of wastage, water, filth and other offensive matter proceeding from the houses or premises of any of the inhabitants or occupiers thereof, shall be made and built by the owners of such houses in such manner as the said Court of Petty Sessions shall direct, and upon such owners failing so to do, and also to keep the same in repair, for the space of ten days after notice to that effect shall have been given by the said Court, the said Court may cause such drains or gutters to be built or repaired, and the expense thereof shall be defrayed out of the Municipal Fund, and the said owners shall be liable to a penalty not exceeding twice the amount of such expense, provided always that a default in the making or repairing such drains or gutters has created or is likely to create a public nuisance.

IV. And it is hereby enacted, that the owner or occupier of any house or tenement having a privy erected upon his premises shall have such privy shut out by a sufficient wall or fence from the view of persons passing by.

V. And it is hereby enacted, that every privy, sink, drain, water courses, compound, yard, lane or passage adjoining or belonging to any house or premises shall be kept clean by the owners or occupiers thereof, so that the same shall not become a public nuisance.

VI.

VI. And it is hereby enacted, that no person shall throw or deposit any filth or rubbish on the roof, or weather-boards of any buildings, or suspend therefrom any article whatever so as to project over any street or public thoroughfare. Nor shall any person bathe himself or wash any animal or clothes, or throw any offensive matter, or thing whatever in or into any of the public tanks or wells, and the Governor in Council is hereby empowered from time to time by Proclamation to declare what tanks or wells shall be deemed Public, and also which of such Public tanks or wells may be used for the purpose of bathing and washing linen therein.

VII. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions to require any person, owner or tenant, keeping a public brothel or lodging houses for Prostitutes, or disorderly character of any description in any of the more public roads or streets of Bombay and Colaba to shut up the same or to remove such tenants from the premises, and on his failing to do so within the time specified in a notice to be given to him to that effect, he shall be deemed to have offended against the provision of this Act.

VIII. And it is hereby enacted, that no person shall keep a Coffee Shop, Eating House, or any place of public resort, other than a legally licensed Tavern or Spirit Shop, without the permission or license of the Court of Petty Sessions, which Court is hereby empowered to grant such permission or license in writing, and which may be revoked by the said Court on good and sufficient cause.

IX. And it is hereby enacted, that all offences against this Act shall be summarily inquired into and decided by the Court of Petty Sessions, and every offence for which there is not a special penalty shall be punishable by a fine not exceeding two hundred Rupees.

X. And it is hereby enacted, that all fines imposed under this Act shall be paid into the General Treasury for the benefit of the Municipal Fund.

ACT No. XV. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd of December, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius.

I. Whereas it hath been ordered by the Queen's Most Excellent Majesty by and with the advice of Her Majesty's Privy Council, as follows:

AT THE COURT AT WINDSOR,

THE 15TH OF JANUARY, 1842.

Present.

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT.

Lord President.	Lord Stanley.
Lord Privy Seal.	Lord Fitzgerald and Vesci.
Lord Steward.	Sir Robert Peel, Bart.
Lord Chamberlain.	Mr. Chancellor of the Exchequer.
Earl of Jersey.	Sir James Graham, Bart.
Earl of Ripon.	Sir Edward Knatchbull, Bart.

Whereas it is probable that the laws now in force in British India for preventing the emigration of the inhabitants thereof to Her Majesty's Colonial Possessions will be shortly repealed so far as regards emigration to the Island of Mauritius, and that such last mentioned emigration will be sanctioned by Laws to be for that purpose enacted in India, subject to various provisions to be in such Laws made for the protection of such Emigrants, and for the prevention of abuses. And whereas it is probable that amongst the provisions so to be made, as last aforesaid, will be a provision for enabling the Governor General of India to appoint at ports or places in India, Officers charged with the care, protection and superintendence of all persons proposing to emigrate as Labourers from India to Mauritius. And whereas it is probable that provision will be made by Law at Mauritius for defraying from the public Revenue of that Island the expense of introducing emigration thither from British India. And whereas it is necessary that effectual provision should be made by Law at Mauritius for regulating any such expenditure, and for the prevention of abuses in the introduction

tion of Emigrants from British India into that Island—It is therefore hereby ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, that in the event of any Law being made in British India, authorizing the emigration to Mauritius of the Natives of India, and repealing the restrictions now in force there in regard to such emigrations, and in the event of any such Laws containing provisions enabling the Governor General of India to appoint at the several ports of embarkation in India, Officers charged with the protection of persons emigrating from such ports to Mauritius, the various Rules and Regulations comprized, and set forth in the Schedule to this present order subjoined, shall within the Island of Mauritius have the force and effect of Law, and shall be observed and carried into effect by all Her Majesty's Officers Civil and Military, in Mauritius, and by all Her Majesty's subjects within the same Island as to them may respectively appertain.

And the Right Hon'ble Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary instructions herein accordingly.

(Signed) C. GREVILLE.

The Schedule referred to in the preceding Order, comprising the Rules and Regulations to be observed at Mauritius in regard to Emigrants from British India, resorting to and arriving at that Island.

1st. The Governor of Mauritius may from time to time nominate such persons as he shall see fit to act as Emigration Agents at any port or place in India, which the Governor General of India may designate as a port or place for the embarkation of Emigrants to Mauritius, and may also from time to time nominate a proper person to act as Protector of Immigrants at Mauritius.

2nd. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent to Mauritius by him, but shall be in the nature of an annual salary.

3rd. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the port or place for which such Agent shall be appointed, that such Emigrant has not been induced to emigrate by any fraud, false nor unreasonable expectation, and is aware of the distance of Mauritius from the place where he or she is about to emigrate; and such Agent shall explain the real advantages likely to be derived by such Emigrants from a removal to Mauritius, and at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4th. It shall not be lawful to ship on board of any Ship or Vessel carrying Emigrants from India to Mauritius, any number of Passengers exceeding the proportion of one person for every two Tons of the Registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants, and having more than one Deck, shall have less than the height of six feet at the least between Decks, and in case such Ship or Vessel shall have only one Deck, a Platform shall be laid beneath such Deck, and in such manner as to afford a space of the height of six feet at the least, and that such Platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such voyage to Mauritius unless there shall be an interval of six inches at least between the Deck or Platform, and the floor of the lower tier throughout the whole extent thereof; and whatever may be the Tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower Deck or Platform, unoccupied by goods or stores, not being the personal luggage of such persons.

5th.

5th. In computation of the number of Passengers within the meaning of these Regulations, two children under the age of ten years, shall be considered as equal to and shall be reckoned as one person only.

6th. There shall be actually laden and on board of every Ship or Vessel bringing Emigrants into Mauritius at the time of departure of such Ship or Vessel from the port or place at which such Labourers shall be embarked good and wholesome Provisions for the use and consumption of the said Passengers over and above the victualling of the crew to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every Passenger on board such Ship or Vessel, such water being carried in Tanks or sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread Stuffs, to the amount of seven pounds weight to every week of the computed voyage for every such Passenger. Provided always that when any such Ship or Vessel shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Regulation. And provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case where it shall be made to appear that by the special authority of the Governor General of India, any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7th. The number of weeks which shall be deemed necessary for the voyage to Mauritius from any port or ports in India, shall be such as shall from time to time be determined by any Law or Ordinance to be promulgated for that purpose by the Governor General of India in Council, and according to any such Law or Ordinance shall and may be further determined whether at different periods of the year different estimations are to be made of the probable length of any such voyage, and if by any such Law or Ordinance the removal of Emigrants should during any particular period of the year be prohibited altogether then any such removal during such prohibited period shall in Mauritius be regarded, dealt with and punished as an infringement of these present Regulations.

8th. Before any such Ship or Vessel shall be cleared out, on any such voyage the Agent appointed under this Ordinance for the port or place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed seaworthy, and that the directions hereinbefore contained for insuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

9th. The Master of every Ship or Vessel bringing Emigrants to Mauritius shall be bound to provide for and furnish to every such Emigrant and his wife and children a sufficient quantity of good and wholesome provisions, for his, her and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such Ship or Vessel in Mauritius.

10th. Two copies of these Regulations authenticated by the signature of the Agent at the port or place from which such Emigrants shall come, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesiad, and one of such copies shall upon request made at seasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

11th.

11th. The Master of every Ship or Vessel carrying Emigrants from India to Mauritius, shall before clearing out such Ship or Vessel deliver to such Agent at the port or place from which such vessel shall be cleared out a list in writing, together with a duplicate of the same specifying as accurately as may be the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at Mauritius, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Immigrants hereinbefore mentioned. And such Protector of Immigrants shall forthwith proceed on board of such Ship or Vessel and shall ascertain as far as possible by personal inspection of the Ship or Vessel and Passengers whether the directions hereinbefore contained with regard to the situation of the berth of such Ship or Vessel, the proportion of the Passengers to the burthens and measurement of such Ship or Vessel, and the maintenance of the Emigrants during such passage have been complied with, and such Protector of Immigrants shall personally muster such Emigrants and compare the number and names of such Emigrants with the said counterparts of such lists, and shall certify in writing under his hand upon such counterpart the total number of Emigrants then living and being on board of such Vessel, and in case any such Emigrant shall have died during the passage, or the number of names of the Emigrants shall differ from the number or names stated in such counterpart the Protector of Immigrants shall note such death or difference upon such counterpart, and thereupon shall grant a License under his hand for the disembarkation and landing of such Emigrants.

12th. If the Protector of Immigrants on such personal inspection of the Ship or Vessel and Emigrants, shall be satisfied that the preceding Regulations have been complied with, he shall grant a Certificate under his hand of the arrival in Mauritius of such Emigrants respectively and the place from which and the Ship or Vessel in which such Emigrants shall have arrived.

13th. No money shall be payable by the Colonial Treasurer of Mauritius in respect of any such Emigrants as aforesaid except on the Warrant of the Governor of that Island, which Warrant shall not be issued except on such Certificate as aforesaid of the said Protector of Immigrants.

14th. The Protector of Immigrants shall keep a Register of all persons in respect of whom any such Certificate as aforesaid shall be granted, and of the Ship or Vessel in which, the port from which, and the time at which such person shall have arrived in this Colony, a copy of which Registry shall be laid before the Council of Government on the 31st day of March, the 30th of June, the 30th day of September, and the 31st of December in each year.

15th. If any Ship or Vessel bringing Emigrants from India to Mauritius shall carry any number of Passengers exceeding the proportion authorized and allowed by these Regulations a Penalty of Five pounds per head shall be payable in respect of each Passenger so carried in excess of such proportion, or if such Ship or Vessel shall not be of the height between Decks hereinbefore required ; or if such a Platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage, in such manner as is hereinbefore required : or if there shall be more than two tiers of berths, or if there shall not be throughout the whole duration of any such voyage, such an interval as is hereinbefore prescribed between the Deck and the Floor of the lower tier of berths, or if any such Ship or Vessel shall clear out, and put to sea not having on board such Water and Provisions as aforesaid for the use and consumption of the Passengers of the kind, and to the amount and in the proportion hereinbefore directed ; or if any such Ship or Vessel shall be cleared out before such lists of Emigrants shall have been delivered in manner and form aforesaid, or if any such

such lists shall be wilfully false; or if the copy of these Regulations be not produced as hereinbefore required, or if any Emigrant shall not be maintained during such voyage, and for 48 hours after his arrival; the Master of any such Ship or Vessel shall for and in respect of each and every such offence be liable on summary conviction before any Stipendiary Magistrate at any time within the space of 12 calendar months next after the arrival of such Master within the Colony of Mauritius to the payment of a fine not less than £5, nor more than £20 British Sterling, and in default of payment of the fine above mentioned either immediately, or at the time fixed by such Stipendiary Magistrate at the time of making such conviction to imprisonment for any time not less than one nor more than three calendar months.

16th. Provided nevertheless that nothing herein contained shall take away or abridge any right of suit or action which may accrue to any Emigrant in any such Ship or Vessel or to any other person in respect of the breach or non-performance of any contract made or entered into between, or on the behalf of any such Emigrant or other person, and the Master, Owner or Owners of any such Ship or Vessel.

17th. Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

18th. No Emigrant arriving from India at Mauritius shall be capable of entering into any contract of service to be performed in that Island, until he shall have been at least 48 hours on shore there, and every such contract of service made before that time shall be null and void to all intents and purposes.

19th. No Emigrant arriving from India at Mauritius, and engaging to labour in that Island shall within Mauritius be liable to any action, suit or demand, for or in respect of any debt contracted, or any contract made by such Emigrant before his arrival in the said Island.

20th. No Emigrant arriving from India at Mauritius shall in Mauritius be capable of entering into any contract for service except for the period in the manner and under the superintendence which by a Law in force there is required in the case of contracts for service made by other Labourers in Agriculture or Manufactures within the said Island.

21st. No payment shall be made from the Treasury of the said Island in respect of any Emigrants introduced there from India, unless on proof to the satisfaction of the Governor of Mauritius, that all Rules and Regulations which may be established by Law in India, for the advantage and protection of such Emigrants have been duly complied with, such Rules and Regulations not being repugnant to any thing in these Regulations contained.

22d. In every case in which the Penalties hereby denounced against offences are imposed by the use of the words in the masculine gender or in the singular person, such words shall be understood as extending to the feminine gender also, and to any number of persons unless when the opposite construction is required in order to meet the object and to accomplish the ends with a view to which these Regulations are established and made.

(Signed) C. GREVILLE.

In conformity with which said Order, and for the purpose of giving effect thereto, it is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of Natives from the Port of Calcutta, Madras, and Bombay respectively. to the Mauritius, shall be repealed from the day when the Governor General of India in Council, or, in his absence, the President in Council shall notify in the Gazette that it hath been duly certified to him that such Regulations have been provided and that such measures have been taken by the Government

ment of Mauritius as he may deem necessary for the protection of Emigrant Laborers from India on their passage to the Mauritius, and during their residence there, and for their safe return at the expiration of five years, or any subsequent period, should they be desirous of returning to India. Provided always that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the Ports of India except the ports aforesaid, and in regard to Emigrants from India proceeding to other places than the Mauritius.

II. And it is hereby enacted, that after this Act shall come into operation, Emigrant Laborers being Native Inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed from India to the Mauritius from the Ports of Calcutta, Madras and Bombay respectively, in compliance with the Provisions hereinafter mentioned, but not otherwise.

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to authorize the persons nominated by the Government of Mauritius, under the Order hereinbefore inserted, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act. And every such Emigration Agent shall make monthly reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in the Colony of Mauritius from either of the Ports aforesaid, in any Ship or Vessel unless a License be obtained for carrying Emigrants in such Ship or Vessel from the Government of the Presidency in which the Port is situated. A fee not exceeding one Rupee per Emigrant, as may be regulated from time to time by the Local Government, shall be demandable in respect of every such License, which fee shall be carried to the credit of the said Government, and the granting or withholding any such License shall be entirely discretionary with the Government, and in consideration of such License the Master of every Ship conveying or destined to convey Emigrants from India shall execute a Bond. binding himself and his owners in a penal sum of 10,000 Rupees to conform to the several conditions hereunder provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the Colony of Mauritius, and one copy shall be forwarded to the Government of Mauritius to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a License being obtained as aforesaid shall be liable to be forfeited and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

V. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licensed as above to receive on board any Emigrant Laborer as above provided, unless such Laborer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the Port, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness and desire to proceed to work for hire in the said Colony of Mauritius.

VI. And it is hereby enacted, that before any Ship or Vessel so licensed to carry Emigrant Laborers as above provided, shall be cleared out from any of the aforesaid Ports for the Mauritius, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a Certificate under the hand of such Agent to the effect following, that is to say—

1. That such Agent has, by personal communication, done what is required on the part of such Agent by the *third* Article of the Schedule hereinbefore inserted; provided always that every such Agent shall make the inquiries specified in such Schedule, in an open Court or public office, to which all persons shall have admission.

2.

2. That all the directions contained in the 4th, 5th, 6th, and 8th Articles of the Schedule hereinbefore inserted for ensuring the health and safety of Passengers have been duly complied with.

3. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council, or in his absence, the President in Council, shall from time to time frame, touching the Medical attendance and Medical Stores to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VII. And it is hereby enacted, that with reference to Article 7 of the Schedule hereinbefore inserted, the probable lengths of a voyage to the Mauritius from the respective ports aforesaid, shall, for the purposes of this Act be deemed to be for the port of Calcutta,

Between the months of April and October inclusive, ten weeks.

Between the months of November and March inclusive, eight weeks.

For the Port of Madras, between the months of April and October inclusive, seven weeks, and between the months of November and March inclusive, five weeks.

For the Port of Bombay, between the months of April to September inclusive, five weeks, and between the months of October to March inclusive, six weeks.

VIII. And it is hereby enacted, that before any Ship or Vessel shall be cleared out from any of the aforesaid Ports for the Mauritius, it shall be necessary for the Master thereof to deliver to the Emigration Agent so nominated and authorised at such Port as aforesaid the list specified in Article 11 of the Schedule hereinbefore inserted, and to obtain such duplicate thereof as is required by the said Article.

IX. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the Ports aforesaid take on board such Ship or Vessel any Emigrant Laborer of the description aforesaid, and shall clear such Ship or Vessel for the Mauritius without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty of 200 Rs. for every Emigrant Laborer so taken on board his Ship or Vessel.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall, *after having cleared such Ship or Vessel* at any such Port as aforesaid for Mauritius, take on board any such Emigrant Laborer as aforesaid without having entered such Emigrant Laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant, prior to clearance, he shall be liable, on conviction, before any Magistrate or Justice of the Peace, in a penalty not exceeding 500 Rs. for every Emigrant so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for the Mauritius as aforesaid shall, after having obtained such Certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to the altered state of the Ship or Vessel, its Passengers, or other matters to which such Certificate relates, such Master shall be liable on conviction, in any Penalty not exceeding 5,000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any License obtained for the Vessel as originally described.

XII. And it is hereby enacted, for the greater security against Emigrant Laborers being embarked for the Mauritius contrary to the provisions of this Act, that all the powers vested by law in the Officers of Customs in regard to the searching and detention

tion of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for the Mauritius, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIII. And it is hereby enacted, that every person who shall attempt by means of intoxication, or by false imprisonment, or other means of crimping to export any native on board any Ship or Vessel contrary to the provisions of this Act, shall be liable to be punished before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment; but the offender shall only be liable to one of these courses of proceeding.

XIV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Mauritius with Emigrant Laborers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board by every such Emigrant Laborer, and shall keep a Register of every such Emigrant Laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads, and shall not come away until a muster of the Crew and Passengers has been made in his presence and in that of the Pilot in charge of the Vessel: and after the Customs Officer has taken muster, and quitted the Vessel the Pilot shall continue to exercise the duties indicated in Section XII. of this Act. And it shall be lawful for him if he shall deem it necessary to require the Master or Commander to take a general Muster of the Crew and Passengers and Emigrant Laborers on board, and to sign a Muster Roll so taken. And every such Custom House Officer and Pilot shall make a complete report of the Emigrant Laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration, that to the best of the Declarant's belief no additional Coolies have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report, or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete report of the Emigrant Laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant Laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XV. And it is hereby enacted, that if any person shall forge or shall use knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVI. And it is hereby enacted, that all the several penalties to which Masters of Ships or Vessels are liable by this Act shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent, or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master if such Bond has been given in consideration of the licence granted to the Ship.

ACT No. XVI. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th of December, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act concerning the terms of Leases granted by Zemindars and Proprietors.

It is hereby enacted, in modification of Sections II. and III. Regulation XIV. of 1812, of the Bengal Code, that Zemindars or other Proprietors of Land may grant leases, or fix the rent of any land tenure, for any period not exceeding the terms of their own respective engagements with Government. Provided always, that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respectively.

ACT No. XVII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th of December, 1842, with the assent of the Right Hon'ble the Governor General of India.

AN Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.

I. It is hereby enacted, that so much of Regulation V. of 1830, of the Bombay Code, as provides that one Revenue Commissioner shall be appointed for the Territory subordinate to Bombay, and that the Southern Maharatta Country shall be excluded from his jurisdiction, is repealed.

II. And it is hereby enacted, that one or more Revenue Commissioners shall be appointed for the whole of the Territory composing the Presidency of Bombay, each of whom shall be vested with all the powers possessed by the single Revenue Commissioner, under Regulation V. 1830, and shall be empowered to act within the Presidency of Bombay, or over such portion as the Governor in Council of Bombay may, from time to time, prescribe by an Order published in the Gazette.

III. And it is hereby enacted, that each Revenue Commissioner shall have such number of Deputies and Assistants, as the Governor in Council may deem it expedient to appoint.

ACT No. XVIII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 23rd of December, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for facilitating preliminary investigations of Criminal Cases connected with the Collection of the Revenue within the Presidency of Bombay.

I. It is hereby enacted, that it shall be competent for the Revenue Commissioner or his Assistant within the Presidency of Bombay to exercise the same powers as the Collector and Magistrate of any Zillah under that Presidency in all matters touching the collection and management of the Revenue, and the conduct of Revenue Officers in their official capacities; except that they shall not pass any sentence of punishment; but when the preliminary inquiries are concluded, shall, if the charge be not dismissed, forward the accused to the Magistrate for trial or for committal according to the nature of the case.

II. And it is hereby enacted, that a Revenue Commissioner or his Assistant, or a Collector of Land Revenue or his Assistant, or a Sub-Collector, may, by written order, delegate in any case, to any Native servant regularly employed on their respective Establishments, not being of an inferior grade to a Karcoon, any of the above powers of preliminary investigation, provided they be the same as are exercised by District Officers of Police under the Regulations. And the proceedings under this Act of all such servants shall be sent to the delegating authority for revision, and after such revision, if the charge be not dismissed, the case shall be forwarded to the Magistrate as aforesaid.

III. And it is hereby provided, that nothing in this Act contained shall prevent any Magistrate from making preliminary inquiries and proceeding under the Regulations in all the cases aforesaid, both where the charge has not been investigated under the aforesaid powers, and where it may have been dismissed.

ACT No. I. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th January, 1843, with the assent of the Right Hon'ble the Governor General of India.

BENGAL SECRETARIAT LIBRARY

An Act for amending the Law concerning the Registration of written Conveyances and other instruments affecting Titles and other interests to Land.

Whereas the Registry Laws now in force in the respective Mofussils of Bengal, Madras and Bombay, provide that registered conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations. And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land, can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording, by means of their being registered, a Security against conveyances or instruments being set up, as of previous date, by unregistered claimants:

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same authorized by those Codes respectively, to be registered, shall so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding. Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.

ACT No. II. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 1st of February, 1843, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to regulate the Sittings of the Courts of Sudder Dewanny Adawlut.

I. It is hereby enacted, in modification of Section 16, Regulation XXV. 1814, that when a single Judge of the Sudder Dewanny Adawlut, trying a case in Appeal, regular or special, from any Subordinate Court, shall be of opinion that the decision appealed from ought to be reversed or altered, he shall always call in two other Judges of the Court to sit with him, and that the Appeal shall be then heard by the three Judges sitting together, and be decided by them without any additional voices. In such cases, the decree or final order shall be signed by the three Judges, if they agree together; but if one of them dissent from the view taken by the majority, by the two Judges who agree together, and the signature of the third Judge shall not be considered requisite, but his opinion shall be recited in the decree or final order.

II. Provided, that the above rule shall not be applicable to summary appeals, or to appeals in miscellaneous cases, nor shall it be held to interfere with the powers of a single Judge of the Sudder Dewanny Adawlut, under Clause 2, Section 2, Regulation IX. 1831.

ACT No. III. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 1st of February, 1843, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending the Rules of Special Appeals.

I. It is hereby enacted, that from and after the 1st day of May next, a Special Appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the Court of Sudder Adawlut at Madras, and to the Court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular Appeals in the Civil Courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the Courts, or shall involve some question of law, usage, or practice, upon which there may be reasonable doubts.

II. And it is hereby enacted, that applications for Special Appeals shall not be admitted unless they are presented to the proper Court as aforesaid within the period limited for the presentation of regular Appeals.

III. And it is hereby enacted, that every application for a Special Appeal shall be accompanied by copies of the several decrees previously passed on the case.

IV. And it is hereby enacted, that every application for a Special Appeal duly presented to the proper Court as aforesaid shall be heard by a single Judge of the Court in the presence of the Special Appellant, or his Vakeel, or Agent, and it shall be competent to the Judge at his discretion, to call for and peruse any document forming a part of the record of the cause, and to summon the opposite party to answer the application.

V. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is admissible under this Act he shall pass an order accordingly, and shall at the same time reduce the point or points to be determined to writing in English in the form of a Certificate which shall be translated into the vernacular language in use in the Court and the Special Appeal shall then be brought on the file of the Court to be heard and determined in due course. Provided that it shall not be necessary to call for or refer to any part of the proceedings the reading of which is not required for deciding the point or points of law stated in the Certificate.

VI. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is not admissible under this Act he shall reject the petition, and his order so rejecting a petition for a Special Appeal shall be final.

VII.

VII. And it is hereby enacted, that in every case of Special Appeal admitted as aforesaid the Court of Sudder Dewanny Adawlut shall determine the point or points, certified as above enacted, and no other point or part of the case whatever.

VIII. Provided that when the special ground of Appeal may have been incorrectly or incompletely certified, it shall be competent to the Court to amend the Certificate. Provided that such amendment shall relate only to the point or points originally stated in the Certificate, and it shall not be lawful for the Court to receive or add any new point or points.

IX. And it is hereby declared, that the existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay relating to Special Appeals, shall continue in force so far as they are not inconsistent with the provisions of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or Special Appeals which shall have been admitted and be pending in Appeal before the said 1st day of May next, and that all such second or Special Appeals shall be heard and decided in the same manner as if this Act had not passed.

ACT No. IV. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 24th of March, 1843, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53 Geo. III. Ch. 155.

Whereas, in many cases provided by law, offences may be prosecuted before Magistrates not acting within local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulations, or as Justices of the Peace. And whereas the Appeal from convictions before Magistrates acting in their Magisterial capacities, and from the like convictions before Justices of the Peace are subject to different rules. And whereas in all cases of convictions before Justices of the Peace in the Mofussil and before Magistrates exercising jurisdiction under the provisions of Statute 53 Geo. III. C. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to Appeals requires amendment;—

I. It is hereby enacted, that an Appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him exercising such jurisdiction as aforesaid to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of Appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.

II. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a Writ of Certiorari, in any other case than where there has been such Appeal as aforesaid.

ACT No. V. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 7th of April, 1843, with the assent of the Right Hon'ble the Governor General of India

An Act for declaring and amending the Law regarding the condition of Slavery within the Territories of the East India Company.

I. It is hereby enacted and declared, that no public Officer shall in execution of any decree or order of Court, or for the enforcement of any demand of Rent or Revenue sell or cause to be sold any person, or the right to the compulsory labor or services of any person on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person or that the person from whom the property may have been derived was a slave.

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

ACT No. VI. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st of April, 1843, with the assent of the Right Hon'ble the Governor General of India

An Act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

I. In modification of Clause 4, Section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that in the trial and decision of all original Suits referred to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the conduct of business in the Courts of the Zillah and City Judges.

II. And it is hereby enacted, that the provisions of Section 4, Act No. XXV. of 1837, in respect to appeals from decisions passed by Principal Sudder Ameens, in Suits of the nature specified therein, be extended to all interlocutory orders passed by those Officers in such Suits.

III. And it is hereby enacted, that such parts of Regulation XXIII. 1814, as prohibit the Sudder Ameens and Moonsiffs from requiring security from defendants; or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV. And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of Sections 4 and 5, Regulation II. 1806, in cases pending before them; and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them, provided that all orders passed by the Sudder Ameens and Moonsiffs under this Section, be subject to an appeal to the Zillah Judge.

V. And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions were passed, under the general rules prescribed for the execution of decrees passed by those Courts—applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the Judge or Principal Sudder Ameen to the Court of original jurisdiction. In appeals from the orders of the Moonsiff or Sudder Ameen in such cases the decision of the Zillah or City Judge shall be final.

VI.—And it is hereby enacted, that Clause 2, Section 13, Regulation XXIII. 1814, and Clause 4, Section 5, Regulation V. 1831, be repealed.

VII.

VII. And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the Territories subject to the Presidency of Fort William in Bengal.

VIII. And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section 5, Regulation V. 1831. Provided, however, that no Moonsiff shall try any suit, in which he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court shall be a party.

IX. And it is hereby enacted, that in cases, where by reason of the above Section, a Moonsiff cannot try a suit because he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the District.

ACT No. VII. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 28th of April, 1843, with the assent of the Right Hon'ble the Governor General of India.

AN Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II., and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts and for extending the Civil Jurisdiction of such Courts.

I. It is hereby enacted, that the Governor in Council of Fort Saint George be empowered by an Order in Council to abolish the Provincial Courts of Appeal and Circuit, and the Civil and Criminal Zillah Courts, now existing in that Presidency, and to establish new Zillah Courts to perform the Civil and Criminal functions now performed by the said Provincial Courts, and to replace the existing Civil and Criminal Zillah Courts, by Courts constituted according to Regulations I. and II. of 1827, or Regulations VII. and VIII. of 1827, at his discretion.

II. And it is hereby enacted, that every Zillah Court established under this Act, shall be superintended by one Judge, who shall be styled Civil and Session Judge of the Zillah.

III. And it is hereby enacted, that the Zillah Courts established under this Act, *Civil Jurisdiction.* shall exercise within the limits assigned to them respectively, by the Order in Council by which they are constituted, the same Civil jurisdiction as is now exercised by the Provincial Courts of Appeal, except the Original jurisdiction vested in those Courts in suits for an amount or value less that 10,000 Company's Rupees, and shall be vested with the same authority, and shall be subject to the same rules and restrictions as such Provincial Courts of Appeal, except as hereinafter mentioned.

IV. And it is hereby enacted, that the Original jurisdiction vested in the Provincial Courts of Appeal in suits for an amount or value less than 10,000 Co.'s Rs., shall be transferred to the subordinate Zillah Courts constituted according to Regulations I. and VII. of 1827.

V. And it is hereby enacted, that Section VII. Regulation VII. of 1827, be rescinded.

VI. And it is hereby enacted, that in every Zillah in which there is a subordinate Court constituted according to Regulation VII. of 1827, the Zillah Court shall take cognizance of the Appeals which by Section VIII. of that Regulation are reserved from the jurisdiction of such Court.

VII.

VII. *First.*—And it is hereby enacted, in modification of Section IX. Regulation VII. of 1827, that in all cases, in which a Principal Sudder Ameen has occasion to call upon a Collector, Subordinate Collector, or Assistant Collector, or other European Officer of Government, to do any thing in any matter before his Court, he shall transmit to such Officer an extract from the Proceedings of the Court containing a brief Abstract of the case, and specifying what is required to be done by him, with a request that he will comply therewith, and that he will return an answer stating what he has done within a certain time, and such Officer shall comply with the requisition so conveyed to him, in the same manner as if it had been accompanied by a precept from the Zillah Judge.

Second.—Provided, that if such Officer does not comply with such requisition the Principal Sudder Ameen shall report the case to the Zillah Judge, who shall proceed thereon as if the requisition had been made by a precept from himself.

VIII. *First.*—And it is hereby enacted, that Appeals shall lie to the Zillah Court from all decrees or orders of Subordinate Civil Courts constituted according to Regulations I. and VII. of 1827, and of Sudder Ameens and District Moonsiffs in cases in which Appeals are now allowable, but such Appeals must be preferred within the period of 30 days, to be calculated as prescribed in the existing Regulations.

Second.—Provided, that whenever a Court constituted according to Regulation I. of 1827, or according to Regulation VII. of 1827, is established in any Zillah at a place remote from the station of the Zillah Court, the Sudr Udalut, with the sanction of the Governor in Council, may order Appeals from the decisions and orders of District Moonsiffs stationed within the limits assigned to such Court, to be preferred to such Court. But it shall be competent to the Zillah Judge, at his discretion, to call up to his own Court, from time to time, Appeals received by any such Court, and to dispose of them himself.

Third.—Provided also, that the Judge of any Zillah Court may refer to any Subordinate Judge or Principal Sudder Ameen in the Zillah, any Appeals from District Moonsiffs which may be filed in the Zillah Court.

Fourth.—Provided also, that if any such Appeal from a decision or order of a District Moonsiff, which may have been under this Section referred for decision, or preferred in the first instance, to a Subordinate Judge or Principal Sudder Ameen, be dismissed without any decision being come to on its merits, it shall be competent to the party aggrieved by such order of dismissal to prefer a Summary Appeal from it to the Judge of the Zillah, and it shall be the duty of the said Zillah Judge to hold such proceeding on such Summary Appeal as he may consider proper; and, having satisfied himself that the order dismissing the Appeal has been passed without sufficient cause being shewn for such dismissal, it shall be competent for such Zillah Judge to issue his precept to the Court by which the Appeal may have been dismissed, requiring that the Appeal shall be again admitted on the file, and a decision passed upon it after mature consideration of its merits.

IX. And it is hereby enacted, that Appeals, Regular and Summary, from decisions and orders of the Zillah Courts, shall lie to the Sudr Udalut, undr the same rules and restrictions as are applicable to similar Appeals to the Sudr Udalut from the Provincial Courts of Appeal.

X. *First.*—And it is hereby enacted, that is shall be competent to a single Judge of the Sudr Udalut to hold a sitting of Court on all matters within the cognizance of that Court, and to pass orders or judgments in conformity to the Regulations, subject to the following provisions.

Second.—On the hearing of any Appeal from the decision or order of any Court of inferior jurisdiction, in any case, regular or miscellaneous, if a single Judge of the Sudr Udalut shall be

be of opinion that no sufficient ground has been shewn to impugn the correctness or justness of such decision or order, it shall be competent to such single Judge, without reference to the order of the file, to confirm the same without requiring the attendance of the opposite party, and with or without a revision of the whole proceedings, as the nature of the case may appear to require, and to communicate the order of confirmation, through the Court from whose judgment the Appeal was made, to the opposite party, with a view to enable such party to take immediate measures for the execution of the decree. On the other hand, if a single Judge shall be of opinion that the decision or order appealed against ought to be altered, or reversed, as being manifestly unjust or at variance with some Regulation in force, or in opposition to the Hindoo or Mahomedan Law or other Law applicable to the case, or as having been passed without sufficient investigation of the merits, or as grounded on an assumption obviously erroneous, or irrelevant with reference to the points at issue, it shall likewise be competent to a single Judge to issue an injunction pointing out the irregularity, illegality, or other defect, apparent in the proceedings, decision, or order, appealed against, and requiring that the Court by which the same may have been held, or passed, shall revise the case, and proceed thereon in such manner as may appear conformable to justice and to the Regulations.

Third.—A single Judge of the Sudr Udalut may exercise his discretion in calling for the proceedings of the Lower Courts, or such parts of them as may appear necessary, and may further order a report in English, or in the Vernacular language commonly used in the Court, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case or matter in Appeal.

Fourth.—It shall further be competent to a single Judge to direct, that the execution of any judgment or order passed by any inferior Court, in all cases in which that measure may appear to him expedient, may be stayed until a final decision has been passed thereon.

XI. And it is hereby enacted, that the provisions of Clause 2d of the foregoing Section, shall be applicable to the judges of Zillah Courts, and to Subordinate Judges and Principal Sudder Ameens.

XII. And it is hereby enacted, that any provisions of the existing Regulations which require inferior Courts to furnish the Sudr Udalut with translations of papers written in the Vernacular languages of the country, which they may transmit to that Court in Appeals and other cases, be rescinded.

XIII. And it is hereby enacted, in modification of Sections XIII. and XIV. Regulation V. of 1802, that all processes and orders therein described which may issue from the Sudr Udalut, shall be directed to the Zillah Courts established under this Act.

XIV. And it is hereby enacted, that it shall be competent to the Judges of the Zillah Courts to refer the execution of decrees of the Sudr Udalut, and of their own Courts, to the Subordinate Judges, or Principal Sudder Ameens of their Zillahs, respectively, who shall proceed therein under the rules prescribed in the general Regulations applicable to such cases, provided that an Appeal shall lie from any order passed by a Subordinate Judge, or Principal Sudder Ameen, under such reference, to the Zillah Court in the first instance, and secondly a Special Appeal to the Sudr Udalut.

XV. And it is hereby enacted, that all other processes issued by the Sudr Udalut and directed to the Zillah Court, or originating in the Zillah Court, shall be served under the orders of the Zillah Judge by the proper Officers of the Court.

XVI. And it is herely enacted in modification of Section VI. Regulation III. 1833, that the power of suspending Sudder Ameens from Office, thereby vested in the Zillah, Assistant,

Assistant, and Native Judges, shall for the future be invested in the Judges of Zillah Courts established under this Act.

XVII. *First.*—And it is hereby enacted, that all parts of Regulations VI. and VII. 1816, in which the Zillah Judge is mentioned, shall be understood as applicable to the Judges of the Zillah Courts established under this Act, excepting Section LVI. Regulation VI. 1816, which shall be applicable to the Subordinate Judges and Principal Sudder Ameens, as extended by Section V. Regulation III. 1833. And all parts of Regulation VI. of 1816 in which the Provincial Court is mentioned, shall be understood as applicable to the Sudr Udalut.

Second.—Provided, that District Moonsiffs may be employed by Subordinate Judges and Principal Sudder Ameens, as well as by Judges of Zillah Courts, in the manner and for the purposes specified in Sections LX. and LXI. Regulation VI. 1816.

XVIII. And it is hereby enacted, that when a Zillah Judge sees reasons for calling up under Section LIV. Regulation VI. 1816, any cause that may be depending before a District Moonsiff, he may refer it for trial to the Subordinate Judge, or Principal Sudder Ameen, of the Zillah, or to a Sudder Ameen, or another District Moonsiff.

XIX. And it is hereby enacted, that when a District Moonsiff shall forward to a Zillah Judge under Clause 2d, Section III. Regulation I. 1829, a Suit instituted in his Court, in which he is directly or indirectly a party, or otherwise personally interested, the Judge may refer it for trial either to a Sudder Ameen, or another District Moonsiff.

XX. And it is hereby enacted, that the Judges of Zillah Courts may refer to the Subordinate Judges, and Principal Sudder Ameens, applications for the executions of decisions of District Punchayets preferred under Section XVII. Regulation VII. 1816.

XXI. And it is hereby enacted, that it shall be competent to Judges of Zillah Courts to pass orders of their own authority on complaints preferred under Section XI. Regulation VII. 1816, according to Clause 4 thereof.

XXII. And it is hereby enacted, that the Zillah Judge shall be competent to receive and pass orders of his own authority on complaints preferred under Section XXVII. Regulation VII. 1832.

XXIII. And it is hereby enacted, that Civil Actions and Criminal prosecutions under Clauses 1 and 2, Section VIII. Regulation VI. 1816, with respect to District Moonsiffs, and as extended by Section XIII. Regulation VIII. 1816, with respect to Sudder Ameens, shall be brought before the Zillah Courts established under this Act.

XXIV. And it is hereby enacted, that Section III. Regulation VIII. 1816, be rescinded.

XXV. And it is hereby enacted, in modification of Section XIV. Regulation VIII. 1816, that Sudder Ameens shall have authority to order execution of the decisions passed by them, according to the rules for the execution of decrees applicable to the Courts to which they are attached, and to issue all process relative to the causes and proceedings before them under their own official seal and signature, and to realize fines imposed by them without reference to any Superior Officer.

XXVI. And it is hereby enacted, that the Judges of the Zillah Courts established under this Act shall exercise within the limits assigned to those Courts respectively, the same Criminal jurisdiction as is now exercised by the Judges of the Courts of Circuit; and shall be vested with the same authority, and subject to the same rules and restrictions, as far as they are applicable and consistent with this Act.

Criminal Jurisdiction.

XXVII.

XXVII. And it is hereby enacted, that the said Judges shall hold permanent Sessions in the said Zillah Courts for the trial of all persons accused of crimes and offences now cognizable by the Courts of Circuit, who shall be committed for trial by the Subordinate Judges, or Principal Sudder Ameens, of the Zillahs respectively.

XXVIII. And it is hereby enacted, that Section II. Regulation XIII. 1832, be rescinded.

XXIX. And it is hereby enacted, in modifications of Clauses 1st and 3d, Section IX. Regulation X. of 1816, that if upon a perusal of the depositions given before the Magistrate, or any competent Officer of Police, it shall appear to the Subordinate Judge, or Principal Sudder Ameen, before whom a prisoner is brought charged with a crime or misdemeanor subject to the jurisdiction of the Judge of the Zillah Court of Session, that there is evidence of the prisoner being concerned in the perpetration of the crime or misdemeanor with which he is charged, and if the deponents confirm their depositions on oath before him, it shall be competent to the Subordinate Judge, or Principal Sudder Ameen, without further investigation, to commit the prisoner to take his trial before the Session Judge.

XXX. And it is hereby enacted, that the Session Judge shall commence the trial immediately, and shall take the examination of the prosecutor and of the witnesses for the prosecution, and the defence of the prisoner, and the examinations of the witnesses for the defence, and if more witnesses have been previously summoned and are expected to attend, or if the Session Judge thinks it necessary after the commencement of the trial to call for further evidence, he shall adjourn the proceedings, permitting the prosecutor and witnesses to return to their houses, unless he shall see special cause to detain them in order to their being confronted with the other witnesses whose attendance is expected.

XXXI. And it is hereby enacted, that except in cases in which the Session Judge thinks proper to proceed as authorized in Section XXXII. of this Act, the Mahomedan Law Officer attached to the Zillah Court shall sit with the Session Judge for the trial of persons charged with crimes now cognizable by Courts of Circuit, in like manner and subject to the like Regulations as are now applicable to Law Officers sitting with the Courts of Circuit.

XXXII. *First.*—And it is hereby enacted, that it shall be competent to Session Judges in the trial of Criminal cases, to avail themselves at their discretion of the assistance of respectable Natives, or other persons, in either of the two following ways.

Viz.—By constituting two or more such persons Assessors, or Members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of each of the Assessors shall be given separately and discussed, and if any of the Assessors, or the authority presiding in the Court, desire it, the opinions of the Assessors shall be recorded in writing.

Or by employing them more nearly as a Jury. They will then attend during the trial, will suggest, as it proceeds, such points of enquiry as occur to them, (the Court, if no objection exists, using every endeavour to procure the required information,) and after consultation will deliver in their verdict. The mode of selecting the Jurors, the number to be employed, and the manner in which their verdict shall be delivered, are left to the discretion of the Judge who presides.

Second.—Provided, that the Law Officer may be one of the Assessors or Jury.

Third.

Third.—Provided also, that the decision shall be passed by the Judge according to his own opinion, whether he agrees with the Assessors or Jury, or not, if the case be one which under the existing Regulations it is competent to him to dispose of finally. But if he differs from the Assessors or Jury, his decision shall not be carried into effect unless confirmed by the Court of Foujdaree Udalut to which the case shall be immediately referred.

XXXIII. And it is hereby enacted, that it shall be competent to a single Judge of the Fourjdaree Udalut on a revision of the proceedings held on any Criminal trial by any Court of inferior jurisdiction, to reverse or alter the sentence or order passed thereon, provided such reversal or alteration be in favor of the accused, whether for acquittal, mitigation of punishment, or otherwise.

XXXIV. And it is hereby enacted, that if a single Judge of the Foujdaree Udalut on a revision of the proceedings in a trial held by a Session Judge, concur in opinion with the Session Judge, whether for conviction or acquittal, it shall be competent to such single Judge to pass a final sentence, except for capital punishment, which as heretofore shall in all cases require the concurrent opinion of two Judges of the Court.

XXXV. And it is hereby enacted, that it shall be competent to the Court of Foujdaree Udalut on a review of the Abstract Statements of prisoners punished without reference, to mitigate the sentence passed on any prisoner when such sentence may appear on the Session Judge's own shewing of the facts, manifestly illegal or too severe, and it shall not be necessary for the Court to call for the proceedings in such cases, unless they shall see special reasons for so doing. It shall further be competent to the Court in like manner to annul the sentence passed in any case when such sentence may be in opposition to any Law or Regulation in force, and to require the Session Judge to pass a new sentence according to Law.

XXXVI. And it is hereby enacted, in modification of Section II. Regulation III. 1833, that the authority to over-rule judgments passed by Sudder Ameens in Criminal cases shall be vested in the Session Judges.

XXXVII. And it is hereby enacted, that Section XXIV. Regulation X. 1816, Clauses 2 and 3, Section IV. Regulation II. 1822, Clause 2, Section V., and Clauses 2 and 4, Section VIII. Regulation VI. 1827, shall be applicable to Session Judges instead of Judges of Circuit.

XXXVIII. And it is hereby enacted, that prosecutions against Magistrates and their Assistants under Section XLIII. Regulation IX. 1816, shall be instituted in the Zillah Courts established under this Act.

XXXIX. *First.*—And it is hereby enacted, in modification of Section III. Regulation XIII. 1832, that it shall be the duty of the Session Judge to bring to the notice of the Foujdaree Udalut any gross misconduct of any Native Officer of Police which may have come under his observation in a case investigated by himself, or which may have been reported to him by a Subordinate Judge, or Principal Sudder Ameen, and which appears to him to deserve the penalty of dismissal, and it shall be competent to the Foujdaree Udalut to order the dismissal of such Officer.

Second.—Provided, that the Session Judge shall furnish a copy of his Report upon the case to the Magistrate, and the Foujdaree Udalut shall not pass a final order upon it until the answer of the Magistrate, which shall be addressed to that Court, has been received and considered.

XL. And it is hereby enacted, that it shall be the duty of the Session Judge to bring

bring to the notice of the Magistrate any minor neglects or omissions, or transgressions, of the Subordinate Officers of Police which have come under his own observations, or have been reported to him by a Subordinate Judge or Principal Sudder Ameen, and such notifications shall be recorded in the periodical returns to the Foujdaree Udalut.

XLI. And it is hereby enacted, that it shall be competent to the Session Judge to report to the Foujdaree Udalut any neglect or delay on the part of the Magistrate, or the Subordinate Officers of the Magistracy, by which the course of justice has been seriously impeded in cases before himself, or which have been reported to him by a Subordinate Judge, or Principal Sudder Ameen.

XLII. And it is hereby enacted, that it shall be competent to the Session Judges, Subordinate Judges, and Principal Sudder Ameens, to communicate directly with the District Officers of Police for the purpose of obtaining all the evidence that appears to be forthcoming in cases in which prisoners have been forwarded by them charged with crimes and misdemeanors, Section LV. Regulation XI. 1816 notwithstanding.

XLIII. And it is hereby enacted, that except as provided in Section XLVII. of this Act, Europeans and Americans charged with offences not punishable by the Magistrate, committed within the local jurisdiction of a Principal Sudder Ameen, shall be sent for trial to the Session Judge, who shall proceed thereon in conformity with the rules applicable to his own Court, or to Courts constituted according to Regulation II. of 1827, as the case may require.

XLIV. And it is hereby enacted, that in any Zillah, in which the Governor in Council of Fort St. George deems it expedient to establish the Zillah Court, and the Court or Courts under Subordinate Judges, or Principal Sudder Ameens, at separate stations, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the Session Judge to take cognizance of all Criminal cases subject ordinarily to the jurisdiction of the Subordinate Courts, as well as cases subject to his own jurisdiction, which shall be sent to him by the Magistrate or Officers of Police of such Talooks as shall be therein indicated, and to dispose of such cases according to the rules applicable to them respectively.

XLV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it unnecessary to establish a Subordinate Civil and Criminal Court, constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the Civil and Session Judge to exercise the Civil and Criminal jurisdiction assigned to such Courts, besides the proper Civil and Criminal jurisdiction of the Zillah Court, and to take cognizance immediately of Criminal cases, within his proper jurisdiction as Session Judge, as they are sent up by the Police and Magisrtacy.

XLVI. And it is hereby enacted, that when the said Governor in Council deems it proper to establish in any such Zillah a Court under a Sudder Ameen at a detached station, it shall be competent to the Governor in Council to authorise the Sudder Ameen to receive and dispose of Civil Suits arising in the portion of the Zillah over which jurisdiction shall be assigned to him, without the intervention of the Zillah Judge, under the limitation as to amount or value prescribed by the existing Regulations: and also to receive and dispose of Criminal cases sent to him by the Police and Magistracy of the Division subject to his jurisdiction, for which the punishment prescribed shall not exceed the limitation specified in Section VII. Regulation X. of 1816.

XLVII. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise within the jurisdiction assigned to him all the powers of a Criminal Court constituted according to Regulation II. of 1827, and also all the powers of a Joint Magistrate.

XLVIII. And it is hereby enacted, that when the Subordinate Criminal Court at the Station of a Zillah Court is constituted according to Regulation VIII. of 1827, the Zillah Jail shall be under the charge of the Session Judge.

XLIX. And it is hereby enacted, that when the Subordinate Criminal Court at the Station of the Zillah Court is constituted according to Regulation II. of 1827, the Zillah Jail shall be under the charge of the Judge of the Subordinate Criminal Court, and the Session Judge shall be vested with authority to visit the Jail, and to pass orders according to Section XXXII. Regulation VII. of 1802, and Section VII. Regulation X. 1832.

L. And it is hereby enacted, that the Subordinate Officers and Vakeels, who shall be appointed to the Zillah Courts established under this Act, shall be subject to the same rules as are applicable to the Subordinate Officers and Vakeels of the Provincial Courts of Appeal.

LI. And it is hereby enacted, that the Governor in Council of Fort St. George shall direct what Law Officers shall be appointed to the Zillah Courts established under this Act, and shall order the manner of their appointment, and such Officers shall be subject to the same rules as the Law Officers of the Provincial Courts of Appeal.

LII. And it is hereby enacted, that the Governor in Council of Fort St. George may appoint an Assistant Judge to any Zillah Court, to whom the Judge shall have authority to refer any Appeals which may be depending before him, excepting Appeals from the Subordinate Courts constituted according to Regulation I or Regulation VII. of 1827, and such Assistant Judge shall be empowered to try and dispose of cases so referred to him under the rules applicable to the Judge.

LIII. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to authorize the Governor in Council of Fort St. George at any time to change the Stations of Zillah Courts and the limits of their local jurisdiction, and to abolish any of the Zillah Courts which shall be first established under this Act, and to establish new Zillah Courts in any parts of the Presidency of Fort St. George.

LIV. *First.*—And whereas it is deemed expedient to extend the powers vested in Magistrates by Regulation IX. of 1816.

It is hereby enacted, that the Magistrates be authorized to exercise the powers vested in Criminal Judges by Section VII. Regulation X. of 1816, concurrently with the Subordinate Criminal Courts.

Second.—Provided that in all cases in which Magistrates shall exercise the additional powers hereby vested in them, the form of procedure shall be the same as is required to be observed in the Subordinate Criminal Courts in similar cases, and the same record shall be kept of the trial.

LV. And it is hereby enacted, that in every case in which a Magistrate shall exercise such additional powers an Appeal from his sentence or order may be preferred to the Session Judge within one month, and it shall be competent to the Session Judge upon such an Appeal to annul or alter the sentence or order, provided that he shall not increase the punishment awarded by the Magistrate.

LVI.

LVI. And it is hereby enacted, that all criminal cases which may be depending at the time of the abolition of the Zillah and Provincial Courts, shall be disposed of by the Courts acquiring jurisdiction over the same in virtue of this Act:—provided, however, that prisoners who may have been committed for trial by the Session Judge in his former office of Criminal Judge, or Joint Criminal Judge, and who may object to be tried by that Officer, shall be tried by the Session Judge of another Court, or by the Special Commissioner of the Division, or by an Officer specially appointed by Government.

ACT No. VIII. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 28th of April, 1843, with the assent of the Right Hon'ble the Governor General of India.

An Act for disposing of the Original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

Whereas it is necessary that provision should be made for the disposal of Original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

I. It is hereby enacted, that the Governor in Council of Fort St. George be empowered to appoint a Single Judge to hold a Court in place of each of the said Provincial Courts at the Station of such Provincial Court, with a Special Commission to dispose of all Original Suits and Appeals which may be depending before such Court, on the date on which the said Governor in Council shall order the functions of the Provincial Courts to cease.

II. And it is hereby enacted, that the Judges, who shall be appointed for this purpose, shall be styled respectively, viz.

Special Commissioner for disposing of the causes depending before the late Provincial Court for the (Northern, Southern, Centre or Western) Division.

III. And it is hereby enacted, that every Special Commissioner so appointed, previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed to be taken by Judges of the Provincial Courts of Appeal, before any person who shall be commissioned by the Governor in Council of Fort Saint George to administer it.

IV. And it is hereby enacted, that the Special Commissioners shall transfer the Original Suits on the files of Provincial Courts, in which no proceedings have been held beyond the filing of the pleadings, and exhibits, to the Zillah Courts within whose jurisdiction they would fall respectively if they were commenced *de novo*, and such suits shall be tried and decided by the Judges of such Zillah Courts subject to Appeal to the Sudr Udalut.

V. *First.*—And it is hereby enacted, that all other Original Suits, and all Appeals on the file of the Provincial Courts, shall be tried and decided by the Special Commissioners, who shall have the same power as heretofore have been vested in two or more Judges of such

such Courts sitting together, subject to the same rules and restrictions, and under the same provisions for Appeals to the Sudr Udalut.

Second.—Provided, that in a case of Special Appeal from a Lower Court, if a Special Commissioner differs from the Court from whose decision the Appeal is preferred, he shall not pass a final judgment reversing the decision, but shall record his opinion and transmit the record of the case to the Sudr Udalut, to be laid before a Single Judge of that Court, whose judgment, confirming or reversing the decree appealed against, shall be final.

VI. And it is hereby enacted, that the execution of Decrees of the Special Commissioners, and also of the Provincial Courts for which process was not issued previously to their abolition, shall be committed to the Judge of the Zillah in which the Suit was instituted, or if the Suit was instituted in the Provincial Court, to the Judge to whose jurisdiction the Suit would fall if it were commenced *de novo*. The records of the cases shall be transmitted, together with the Decrees, to the respective Zillah Judges, who shall proceed in the execution of the Decrees in the same manner as if they were passed by themselves, and appeals from their orders shall lie to the Sudr Udalut.

VII. And it is hereby enacted, that the Judges of the Zillah Courts shall proceed in like manner to complete the execution of Decrees of the Provincial Courts under process previously issued, subject to appeal to the Sudr Udalut.

VIII. And it is hereby enacted, that from decisions passed by Zillah Judges, Assistant Judges, and Principal Sudder Ameens, previously to the abolition of the Provincial Courts, in cases appealable to those Courts, in which the time allowed for appealing shall not have expired at the date of their abolition, an appeal shall lie to the Sudr Udalut, provided that the petition of appeal be presented to the Sudr Udalut or to the Civil Judge of the Zillah in which the original suit was decided, within one month from the expiration of the period within which it ought to have been presented under the Rules applicable to appeals to the Provincial Courts.

IX. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort Saint George to authorize the appointment of Ministerial Officers, and Vakeels of the Courts of the Special Commissioners, who shall be subject to the same Rules as are applicable to the Ministerial Officers and Vakeels of the Provincial Courts.

ACT No. IX. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 14th June, 1843, with the assent of the Right Hon'ble the Governor General of India.

FOR the Incorporation of a Bank at Madras.

WHEREAS the Hon'ble Court of Directors of the East India Company by and with the approbation of the Board of Commissioners for the Affairs of India, has directed the abolition of the present Government Bank at Madras and in lieu thereof has sanctioned the establishment of a Bank at Madras on the principles hereinafter set forth, and has required the Government of India to pass an Act of Incorporation for the same;

I. It is therefore hereby enacted, that from the 1st day of July next ensuing, in the year of our Lord 1843, the persons whose names are included in the Schedule hereunto annexed, having severally subscribed and signed their acceptance of the terms of incorporation specified in this Act, and with the Government of Madras on the part of the East India Company having paid into the Government Treasury the amount of Capital Stock subscribed by them respectively and taken receipts for the same from the Sub-Treasurer to the Government of Fort Saint George shall, together with the Governor in Council for the time being of the Presidency of Madras, be a Corporation Body Corporate and Politic by name of the Bank of Madras, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereinafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided however that it shall be lawful to the Governor General of India in Council at any time before the 1st of September next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Madras, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby declared and provided, that if any of the persons whose names are in the said Schedule shall have failed to make good their subscriptions on or before the 1st day of May last past, the Shares to which such names are attached were claimable and might be taken by the persons who having made applications for Shares which were received after the prescribed amount of Capital had been taken and subscribed for by the parties in the said Schedule, had been permitted to have their said applications registered as received: and the Shares which shall have so lapsed having been tendered to such applicants in the order of such registry according to the list given in to the Governor in Council at Fort Saint George, shall be and are the property of such persons provided they shall have in the manner heretofore mentioned paid up their subscriptions on or before the 20th day of May last past. And in the event of there having remained any unpaid Shares after

after the parties whose names had been so registered had thus had the option of completing the payments due on such Shares, then such remaining unpaid Shares are declared to have been at the disposal of a General Meeting of the Proprietors convened for that purpose: And it is hereby enacted, that the persons who shall have become the Proprietors of the lapsed Shares in the manner above provided or under an appropriation made at such General Meeting of Proprietors by payment of the amount subscribed shall be considered to belong, and shall to all intents and purposes belong to the Corporation Body Corporate and Politic by name of the Bank of Madras, and shall possess and enjoy all the rights, privileges, and immunities the same as the persons according to the Original Schedule who shall have paid up their subscriptions on or before the 1st day of May last past. And it is hereby declared and required that as soon after the promulgation of this Act, as may be practicable, the Governor in Council at Fort Saint George shall publish in the Official Gazette of that Presidency a Schedule of the Proprietors of the Bank of Madras as incorporated under the provisions of this Act, and that the same shall be transmitted to be re-published in the Official Gazette of Calcutta.

III. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be Thirty Lakhs of Rupees, whereof Three Lakhs shall be the property of the Governor in Council of Madras, for the time being on behalf of the East India Company, and the persons whose names are in the Schedule hereunto annexed, or in any Schedule corrected in the manner provided for in the 1st Section of this Act, or whose names shall be in the Schedule published by order of the Governor in Council at Fort St. George in the Official Gazette of that Presidency as required in Section II. of this Act, shall be Proprietors of the Shares of the said Capital Stock set against their names respectively.

IV. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Official Gazettes of Calcutta and of Madras, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of New Stock to which they may respectively be entitled, and also to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of New Stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

V. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be divided into Shares of One Thousand Rupees each, which shall be numbered accordingly, and Three Hundred of the said Shares numbered from No. 1 to 300 shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the remainder shall be the property of the Proprietors who shall have paid up the same, and no separate interest or Share in the Stock of the said Bank of less amount than 1,000 Rupees shall be created or held by any Proprietors, and if at any time the Capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into Shares of 1,000 Rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than 1,000 Rupees.

VI. And it is hereby enacted, that on the said 1st day of July 1843, or on some early day after that date, provided the subscriptions have been paid up as above prescribed, the Governor in Council of Madras shall notify in the Official Gazette of that Presidency that the Bank of Madras being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act, and the said Bank shall and may sue and be sued by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term

or

or in perpetuity, any description of property whatever, and to transfer and convey the same.

VII. And it is hereby enacted, that immediately on the opening of the said Bank of Madras the business of the present Government Bank of Madras shall cease, and it shall proceed to wind up its affairs as soon as possible, and all Cash Notes of the Government Bank of Madras which shall be then outstanding shall be payable thenceforth at the Bank of Madras which shall pay them on being verified by such Officers as the Governor in Council of Fort St. George may appoint for the purpose, on presentment, as if they had been issued by the Bank of Madras.

VIII. And it is hereby enacted, that on Monday of every week, so long as there are any Notes of the Government Bank outstanding, the Bank of Madras shall cause to be made up a Statement of the Notes of the Government Bank paid by them in the course of the preceding week, and transmit the same to the Governor in Council of Madras with the Notes, who shall thereupon cause the amount, with all reasonable expedition, to be repaid to the Bank of Madras.

IX. And it is hereby enacted, that after the delivery by the Sub-Treasurer at Madras, to whom all subscriptions on account of the Capital of this Bank will have been paid, as above provided, of the amount of Capital Stock to the Directors of the Bank, the receipt which may be granted by the Sub-Treasurer to the Subscribers respectively shall be cancelled, and a Certificate signed by three Directors of the Bank of Madras shall be delivered to each Proprietor, and any person who is a Proprietor of more than one Share of the Capital Stock, may at his option demand a Certificate for each of his Shares, or one Certificate for all his Shares, or several Certificates, each of which may be for any number of his Shares.

X. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of Fifty Thousand Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank under the Authority of the Governor General in Council, in the manner prescribed in Section IV. of this Act, in which case any Proprietor holding Stock to the full amount of Fifty Thousand Rupees shall, notwithstanding, be entitled to subscribe to the increased Capital Stock in a rateable proportion; and excepting any addition to his interest in the said Capital Stock arises from Succession, Bequest, or Marriage.

XI. And it is hereby enacted, that the said Share or Shares of the Capital Stock of the said Bank shall be of the nature of personal Estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the Certificates thereof, respectively, under the hand of the Proprietor or Proprietors, or his or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, but no such endorsement shall be effectual to transfer any such Share or Shares, until such endorsement shall have been registered at the Bank of Madras, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose, by the Directors of the said Bank.

XII. And it is hereby enacted, that the said Corporate body of the Bank of Madras shall consist and be composed of the Registered Proprietors for the time being of the said Shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XIII. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and be removeable by the Governor in Council of Madras, and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removeable by vote of the majority of a General Meeting of the said Proprietors.

XIV.

XIV. And it is hereby enacted, that the first Directors of the said Bank shall be such three persons as may be appointed by the Governor in Council of Madras to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule of Proprietors published in the Official Gazette of Fort St. George, in the manner prescribed by Section II. of this Act, and who being entitled to not less than six Shares or 6,000 Rupees of the Capital Stock of the said Bank shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule to be held at such time and place as the Governor in Council of Madras may fix by public notification in the Official Gazette of that Presidency, and the election shall be made by the persons who according to the said Schedule of Proprietors may be entitled to Shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, and the Directors so appointed shall appoint Officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation, and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes; the two Directors elected by the fewest votes first vacating and the next two in the year following, and so in succession in the third year.

XV. And it is hereby enacted, that two of the six Directors elected as provided in Section XIV. and to be elected by the Proprietors, shall in rotation go out of Office on the Second Monday in the Month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead; but no Director going out by rotation as aforesaid shall be re-elected at the election which takes place thereupon though he shall be eligible for a future election.

XVI. And it is hereby enacted, that in case of the death, resignation or absence from Madras for more than three months, or disqualification under Section XVII., or removal as aforesaid of any Director elected as provided in Section XIV., or to be elected by the Proprietors after the incorporation of the Bank of Madras, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the place in rotation above mentioned of the late Director.

XVII. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right unincumbered of six Shares or Six Thousand Rupees of the Capital Stock of the Bank of Madras, or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Suburbs of Madras.

XVIII. And it is hereby enacted, that at a General Meeting of the Proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any Share of the said Capital Stock acquired by transfer, or purchase, or otherwise than by Act of Law, unless such transfer shall have been completed Six Months at the least before the time of tendering such vote.

XIX. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:

The Proprietors of	
2 Shares shall be entitled to	1 Vote.
6	2 „
12	3 „
25	4 „

and no Proprietor shall be entitled to more than four votes.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of Madras to give a proxy in writing, signed by one of the Secretaries to Government, to any

any person whom the Governor of Madras may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give four votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XXI. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either General or Special, under his, her or their hand, or the hand of his, her, or their Attorney duly authorized to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote, on such matter or matters, as shall be authorized by the tenor of such proxy.

XXII. And it is hereby enacted, that at the first Meeting of the Directors, after their election, in every year, they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the Senior Director shall be Vice President for the time being, and that such President, or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings, either of Directors or Proprietors.

XXIII. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors, provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXIV. And it is hereby enacted, that all Accounts of the said Bank, and all instruments not under Seal whereby the said Bank can in any manner be bound, except the Cash Notes of the said Bank shall be signed by three Directors, and shall be of no validity unless so signed, and that the Seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXV. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank and to remove any Officer of the said Bank and to fix the salaries of such Officers, provided that the whole expense of the Establishment of the said Bank shall not, in any one year exceed 50,000 Rupees, without previous authority from the General Meeting of the Proprietors.

XXVI. And it is hereby enacted, that no person who shall hold the Office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Madras, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said Offices shall give security to the Directors for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXVII. And it is hereby enacted, that the said Bank of Madras shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say—

1st. The discounting of Negotiable Securities.

2d. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the Credit of Constituents of the Bank.

3d.

3d. Buying and Selling of Bills of Exchange payable in India.

4th. The lending of Money on short Loans.

5th. The buying and selling of Bullions.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for Loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of Debts and Claims.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no Loan, unless the amount of Cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXIX. And it is hereby enacted, that the Directors of the said Bank of Madras shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage, or in any other manner on the Security of any Lands, Houses or immoveable Property, nor on any Negotiable Security of any Individual or Partnership Firm, which shall not carry on it the several responsibilities of at least two persons or Firms unconnected with each other in general Partnership, nor be in advance at one and the same time, to any Individual or Partnership Firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned) beyond the amount of Three Lakhs of Company's Rupees—Provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXX. And it is hereby enacted, that the Directors of the said Bank shall make no Loan other than such Loans as are described in the clause next preceding except on deposit of Public Securities in the full amount of the Loan, and which Public Securities shall be so endorsed or otherwise transferred as to put them at the absolute disposal of the said Bank of Madras, or on deposit of Goods not of a perishable nature, and of an estimated value exceeding the amount of the loan by at least one-fourth.

XXXI. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lakhs and a Half of Company's Rupees, provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government or of other Government Acceptances or Obligations derived to the said Bank from Individuals and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

XXXII. And it is hereby enacted, that the Directors of the said Bank of Madras shall not suffer any person or persons or body corporate keeping cash with the said Bank of Madras to overdraw his, her, or their account.

XXXIII. And it is hereby enacted, that the said Bank of Madras may issue Promissory Notes payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the

the total amount of such Notes in circulation at any one time shall not exceed One Crore of Rupees, and provided also that no such Note shall be for a smaller amount than Ten Rupees.

XXXIV. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill, or other instrument containing any promise, undertaking, or order for the payment of Money elsewhere than within the limits of India.

XXXV. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Madras to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXVI. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a Statement of the Balance on every such day signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Madras, and that the Governor in Council of Madras shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXVII. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a Dividend thereof, shall be made so soon thereafter as conveniently may be, and that the amount of such Dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the Six Calendar Months preceding the day up to which such Half Yearly Account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation, shall, upon being audited and admitted by the said Directors be paid out of the Funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors, and provided that the said Directors, subject to the control and sanction of the Proprietors at the General Meetings, shall have power, when they see fit, to set apart from such profits, a sum not exceeding Five per Cent. on the Capital Stock of the Bank as a reserve against Contingencies.

XXXVIII. And it is hereby enacted, that on the first Monday of the month of March in every year a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank made up to the preceding 31st of December, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank which shall be binding on the Directors and Officers of the Bank and on the Proprietors thereof until rescinded or modified respectively by any subsequent General Meeting.

XXXIX. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank may at any time convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being as also by public Advertisement in the Official Gazette of Madras. And any General Meeting so convened shall have the same powers and authorities as prescribed in the preceding Section of this Act for the Annual General Meeting to be held in the month of March.

XL. And it is hereby enacted, that it shall be lawful for the Bank of Madras, with the sanction of the Governor in Council of Madras, and with the approbation of the Court

Court of Directors of the East India Company, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings. Provided however that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Madras, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of Cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Madras by this Act.

XLI. And it is further enacted, that if any of the Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the Dividends on the Share or Shares of such Proprietor registered as his, or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such Dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her constituted Agent, or by Public Advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such Share or Shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of Six Months after such notice, to advertise for public sale and to sell such Share or Shares or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of Six per Cent. per Annum, paying over the surplus if any to such Proprietor, or his or her lawful respresentative.

XLII. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of July, which will be in the year of our Lord 1850, and shall thereafter continue in like manner until duly dissolved or modified; provided however that after the said 1st day of July 1850, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank be dissolved, or any wise modified without previous notice of twelve months at the least being given by the Governor General of India in Council, or by the Government of the Presidency of Fort Saint George to the Directors of the said Bank for the time being of such intended dissolution or modification. Provided also that in the event of the said Bank at any time suspending any Cash Payments the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE.

NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Joseph Pugh, ...	Forty,	40	40000
David Pugh, ...	Twenty,	20	20000
John Utlay Ellis,..	Twenty,	20	20000
Joseph Goolden, ...	Six,	6	6000
John Pugh, ...	Six,	6	6000
Major George Hutchinson, 24th Regiment Native Infantry, ..	Twelve,	12	12000
Surgeon Ramsay Sladen, ...	Twenty,	20	20000
Peter John Phillipsz, ...	Twelve,	12	12000
Nathaniel Brindley Acworth,..	Fifty,	50	50000
John Line, ...	Twenty,	20	20000
James Thomson,..	Twenty,	20	20000
Surgeon Robert Baikie, M. D, ...	Ten,	10	10000
Lieut. Col. Frederick Larkins Doveton, 5th Regt. Lt. Cavy., ..	Ten,	10	10000
William Haylett,..	Twenty,	20	20000
James Cuddy, ...	Five,	5	5000
James Scott, ...	Twenty,	20	20000
John Binny Key, ...	Twenty,	20	20000
William Scott Binny, ...	Ten,	10	10000

Henry

NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Henry V. Conolly,	Ten,	10	10000
Surgeon John Wyhe, M. D.,	Twelve,	12	12000
Donald Mackenzie,	Twenty,	20	20000
William Liddell,	Ten,	10	10000
Colin C. Dunhill,	Four,	4	4000
Mathew Dunhill,	Four,	4	4000
Mark Dunhill,	Four,	4	4000
Reverend George William Mahon,	Twenty,	20	20000
John Carnac Morris,	Fifty,	50	50000
Major James Macdonald, 45th Regiment Native Infantry,	Fifteen,	15	15000
James Ouchterlony,	Forty,	40	40000
Lieut. Col. Alexander Tulloch, C. B.,	Twenty-five,	25	25000
John Murray, M. D.,	Ten,	10	10000
Andrew Barrie,	Ten,	10	10000
Edmund Marsden,	One,	1	1000
Chocapah Chetty,	Four,	4	4000
Surgeon George Harding,	Twenty,	20	20000
John Dent,	Ten,	10	10000
Robert Grant,	Forty,	40	40000
Claud Currie,	Twenty,	20	20000
Surgeon James Smith,	Five,	5	5000
George Gahan,	Twenty,	20	20000
Thomas Kennedy Mac Fadzen,	Ten,	10	10000
Eleazar Seth Sam,	Six,	6	6000
Andrew Seth Sam,	Sixteen,	16	16000
Varden Seth Sam,	Six,	6	6000
Alexander Maclean,	Fifteen,	15	15000
Captain Isaac Campbell Coffin, 12th Regiment Native Infantry,	One,	1	1000
Robert Clerk,	Fifteen,	15	15000
William Hamilton Hart,	Twelve,	12	12000
James Webster,	Ten,	10	10000
William Scott,	Five,	5	5000
John Scott,	Five,	5	5000
Peter Bell,	Five,	5	5000
Thomas Arthur Chamier,	Twelve,	12	12000
Michael McDowell,	Twelve,	12	12000
Lieut. Arthur Frederick Beavan, 39th Regiment Native Infantry,	Five,	5	5000
Captain James Victor Hughes, 39th Regiment Native Infantry,	Seven,	7	7000
Edward Penton Thompson,	Thirty-five,	35	35000
G. P. Thompson,	Thirty-five,	35	35000
Archibald Francis Arbuthnot,	Twelve,	12	12000
William McTaggart,	Twelve,	12	12000
Alexander Mackenzie,	Twelve,	12	12000
James Liddell,	Ten,	10	10000
Major General Robert Brice Fearon, C. B.,	Six,	6	6000
Joseph Bambridge,	Forty,	40	40000
R. P. Wheeler,	Five,	5	5000
William Wheeler,	Five,	5	5000
Lieut. Herbert William Wood, 4th Regiment Native Infantry,	Ten,	10	10000
Charles William Eaton,	Twelve,	12	12000
Robert Stephenson,	Five,	5	5000
Peter Carstairs,	Five,	5	5000
The Hon'ble John Sullivan,	Forty,	40	40000
Colla Vencatachella Chetty,	Twelve,	12	12000
Alexander Inglis Cherry,	Twelve,	12	12000
Alexander Fairlie Bruce,	Twenty,	20	20000
Nicholas Barambeg,	One,	1	1000
Captain James Smith, 1st N. V. Battalion,	One,	1	1000
Surgeon Thomas O'Neill,	Ten,	10	10000
Lieut. Col. Scudamore Winde Steel,	Twenty,	20	20000
Lieut. Col. John Ogilvie,	Five,	5	5000
Robert Franck,	Five,	5	5000
James Minchin,	Twenty,	20	20000

Lieut.

NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Lieut. Col. George Sandys, 3d Regt. Light Cavalry, ..	Twenty,	20	20000
Henry Dickenson, ..	Twenty,	20	20000
William Johnson, ..	Twenty,	20	20000
Ruthnal Veerasawmy Naidoo, ..	Four,	4	4000
Thomas Parker Waller, ..	Twelve,	12	12000
John Kickwick, ..	Four,	4	4000
Charles Kennett, ..	One,	1	1000
John Jordan, ..	Two,	2	2000
The Right Hon'ble John Lord Elphinstone, ..	Fifty,	50	50000
Thomas Moore Lane, Surgeon, ..	Twelve,	12	12000
Joseph Browning Pharoah, ..	Two,	2	2000
John Goldingham, ..	Twenty,	20	20000
Henry Fox, ..	Four,	4	4000
William Miller, ..	Five,	5	5000
Leander Miller, ..	Five,	5	5000
Captain John Henry Cramer, 2d M. E. Regt. Light Infantry, ..	Five,	5	5000
Francis Rencontre, ..	Four,	4	4000
Walter Elliot, ..	Forty,	40	40000
E. Brennen, ..	Twelve,	12	12000
Wheeler Hood George Mason, ..	Four,	4	4000
Montague Robert Taynton, ..	Four,	4	4000
Theodore Rencontre, ..	Two,	2	2000
George Gilbert Richardson, ..	Ten,	10	10000
Malcolm Lewin, ..	Fifty,	50	50000
James William Burnside, ..	Two,	2	2000
John D'Vaz, ..	Two,	2	2000
Coopala Ramanjaloo Naidoo, ..	Five,	5	5000
Kenneth Macaulay, ..	Fifteen,	15	15000
George Monro Aiskell Storey, ..	One,	1	1000
James Lacey Dighton, ..	Twenty,	20	20000
Lieut. Col. Peter Edmonstone Craigie, H. M.'s 55th, ..	Twenty,	20	20000
Lieut. Stafford Vardon, Engineers, ..	Five,	5	5000
Antoine Francois DeColons, ..	Ten,	10	10000
Surgeon Archibald Shanks, M. D., ..	Fifteen,	15	15000
Mrs. K. Chambers, ..	Ten,	10	10000
William Done Davis, ..	Thirty,	30	30000
Captain John James McMurdo, 45th Regt. Native Infantry, ..	Two,	2	2000
Captain Walter William Ross, 17th Regt. Native Infantry, ..	Fifteen,	15	15000
Captain John Thomas Smith, Engineers, ..	Five,	5	5000
Apothecary Henry Eason, ..	One,	1	1000
Lieut. Col. Robert Alexander, ..	Five,	5	5000
Lieut. Col. George E. Jones, K. H., H. M.'s 57th Regiment, ..	Thirty,	30	30000
Robert Dean Parker, ..	Five,	5	5000
Reverend M. Bowie, ..	Four,	4	4000
Lieut. Col. Joseph Leggett, 3d Regt. Light Infantry, ..	Five,	5	5000
Sir Henry C. Montgomery, Bart, ..	Ten,	10	10000
Captain Charles Edward Faber, Engineers, ..	Four,	4	4000
Noothalapauty Bashacarloo Naick, ..	Five,	5	5000
Captain George Augustus Underwood, Engineers, ..	Twenty,	20	20000
George Bird, ..	Eight,	8	8000
Thomas William Nailer, ..	Ten,	10	10000
Lieut. Col. John Hill Winbolt, 2d Regt. Native Infantry, ..	Ten,	10	10000
John Horsley, ..	Five,	5	5000
Captain James FitzGerald, 42d Regt. Native Infantry, ..	Three,	3	3000
Assistant Surgeon William Rose, ..	Four,	4	4000
Major Duncan Montgomerie, 7th Regt. Light Cavalry, ..	Five,	5	5000
Stewart Forbes, ..	Five,	5	5000
Henry Kennett, ..	Five,	5	5000
Major John Ward, 39th Regt. Native Infantry, ..	Two,	2	2000
Captain Archibald Douglas, 49th Regt. Native Infantry, ..	Twenty-five,	25	25000
F. E. A. Chamier, ..	Five,	5	5000
Frederick Mortimer Lewin, ..	Ten,	10	10000
Captain George Logan, 41st Regt. Native Infantry, ..	Five,	5	5000

Captain

NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Captain Augustus DeButts, Engineers,	Two,	2	2000
Captain Richard Budd, 32d Regt. Native Infantry,	Ten,	10	10000
John Trebeck Conran, Surgeon,	Five,	5	5000
Captain Daniel Duff, 37th Regt. Native Infantry,	Five,	5	5000
Major William Taylor, 39th Regt. Native Infantry,	Ten,	10	10000
Lieut. Col. James Perry, 31st Regt. Light Infantry,	Five,	5	5000
Captain Archibald Woodburn, 40th Regt. Native Infantry,	Five,	5	5000
Captain Francis Gresley, H. H. Nizam's Army,	Five,	5	5000
Major Alexander Lawe, Engineers,	Five,	5	5000
The Venerable Henry Harper, A. M., Archdeacon,	Five,	5	5000
John Charles Starkenburgh,	One,	1	1000
Robert Orr Campbell,	Four,	4	4000
Lieut. Col. John James Underwood, Engineers,	Ten,	10	10000
C. C. Vencatachellum Moodelly,	Two,	2	2000
C. Colenda Moodelly,	One,	1	1000
Stewart Johnson Young,	Four	4	4000
John Frederick Jennings, Veterinary Surgeon,	Five,	5	5000
Major General Francis Whish Wilson,	Twenty-five,	25	25000
Major Edward Archdale McCurdy, 27th Regt. Native Infantry,	Ten,	10	10000
Assistant Surgeon James Supple,	Ten,	10	10000
Henry Martin Blair,	Ten,	10	10000
Assistant Surgeon James Eaton, M. D.,	Twelve,	12	12000
Thomas W. Goodwyn,	Ten,	10	10000
Assistant Surgeon Alexander Braithwaite Morgan, H. M.'s 55th,	Five,	5	5000
T. Soolochenum Moodelly,	Twenty,	20	20000
Joseph Roberts,	Twelve,	12	12000
Brigadier James Wahab, C. B.,	Ten,	10	10000
Mrs. Gertrude E. Williams,	Ten,	10	10000
Surgeon John Brown, M. D.,	Five,	5	5000
Thomas Turner,	Ten,	10	10000
David Rous Limond,	Ten,	10	10000
George S. Britain,	Twenty-five,	25	25000
Richard Taylor,	Fifteen,	15	15000
Conoor Arnachellum,	Seven,	7	7000
William Bensley Anderson,	Ten,	10	10000
Dr. Alexander Smith, of Bengal,	Forty,	40	40000
Major Westrop Watkins, 36th Regiment N. Infantry,	Ten,	10	10000
William Anderson,	Eight,	8	8000
Colonel William Cullen,	Twenty,	20	20000
John Rosmal Cocy,	Six,	6	6000
Captain Thomas Larkins,	Forty,	40	40000
George James Casamajor,	Thirty,	30	30000
Patrick Grant,	Twenty,	20	20000
Surgeon Cornelius Desormeux,	Two,	2	2000
Captain John Charles Hawes, 1st M. E. Regiment,	Twenty,	20	20000
Captain George Leacock, 51st Regiment N. Infantry,	Six,	6	6000
Gundavady Vencataram Chetty,	One,	1	1000
Rungamah,	One,	1	1000
Major John Wynch, Artillery,	Five,	5	5000
Lieutenant John Ouchterlony, Engineers,	Four,	4	4000
Vurdarajooloo Naicker,	Two,	2	2000
Edward Samuel Atkinson,	Ten,	10	10000
Miss Charlotte Eliza Anne Gardner,	Five,	5	5000
Miss Martha Mary Louisa Gardner,	Five,	5	5000
Henry James Gardner,	Five,	5	5000
Captain C. J. Westley, Bombay Army,	Ten,	10	10000
Andrew Robertson,	Twenty,	20	20000
Edward Peters,	Twelve,	12	12000
Lieut. Col. Charles Dennis Dun, 44th Regiment Native Infantry,	Fifteen,	15	15000
William Elphinstone Underwood,	Fifteen,	15	15000
William Waddell,	Twenty,	20	20000
Edward Vincent,	Two,	2	2000
Mrs. Hosanna Arathoon Kerakoose,	Fifty,	50	50000

Nathaniel

ACT No. IX. OF 1843.

NAMES	Number of Shares of 1000 Rs. each		Amount in Rupees.
Nathaniel William Kindersley,	Ten,	10	10000
Captain William Henry Simpson, 36th Native Infantry,	Seven,	7	7000
Joseph Barrow,	Fifteen,	15	15000
Benjamin Cardozo,	Five,	5	5000
Felix Phillips,	Five,	5	5000
Hew Drummond Elphinstone Dalrymple,	Twenty,	20	20000
Narrain Doss Gopaul Doss,	Twelve,	12	12000
Jevaram Davy,	Four,	4	4000
Captain James Palmer Woodward, 9th Regt N I.,	Five,	5	5000
Gurderdoss Govindoss,	Twelve,	12	12000
P Dasekah Charloo,	Two,	2	2000
Vembaukum Nursingiah, Braminy,	Two,	2	2000
Vembaukum Ragavah Charrier,	Two.	2	2000
Major Frederick Minchin, 47th Regiment N Infantry,	Twenty,	20	20000
A Vencatachellum Chetty,	Four,	4	4000
Girdirdoss Vallabadoss,	Twelve,	12	12000
William Paten,	Two,	2	2000
Miss Maria Paten,	One,	1	1000
Miss Catherine Paten,	One,	1	1000
Miss Louisa Paten,	One,	1	1000
Colonel Charles Augustus Elderton, 52d Regt N. I.,	Ten,	10	10000
Captain John Henry Bowden Cougden, 2d Regt. N. I,	Five,	5	5000
J. Holland, Dy Qr Master Genl. Bombay Army,	Ten,	10	10000
Lieut. Col Wm Martin Burton, Artillery,	Five,	5	5000
Captain Alexander Shirriffs, 21st Regt N. I,	Five,	5	5000
Captain Peter Thomas Cherry, 1st Regt Lt. Cavalry,	Five,	5	5000
Colonel Thomas Fiddes,	Seven,	7	7000

ACT No. X. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 15th July, 1843

An Act for the Administration of Justice and Collection of the Revenue in the Districts of Kurnool and Bunganapilly.

I. It is hereby enacted that from and after the First day of September 1843, the Administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the Districts of Kurnool and Bunganapilly shall vest in such Agent to the Governor of Fort St. George as shall be appointed by the Governor in Council of Fort St. George, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

Administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of Kurnool and Bunganapilly vested in an Agent to be appointed by Government of Fort St. George with Assistants similarly appointed.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil Suits shall be final, and in what Suits an Appeal shall lie to the Sudr Udalut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

Government of Fort St George may prescribe rules for guidance of Agent and his Subordinates

And may fix the limit of final Civil Jurisdiction and of Appeals

And may define authority of Agent in Criminal trials, and what cases shall be submitted to Foujdaree Udalut

III. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Udalut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge of Circuit.

On trials referred Foujdaree Udalut shall pass judgment or pass order as in cases referred from a Judge of Circuit.

IV. And it is hereby enacted, that upon the receipt of any Appeal from a decree of the Agent, duly preferred under the rules to be prescribed as aforesaid, the Court of Sudr Udalut shall proceed to try and determine it in the same manner as Appeals from the Provincial Courts.

Civil Appeals to be decided by Sudr Udalut as appeals from Provincial Courts

V.

Government of Fort St. George competent with the previous sanction of the Supreme Government to make alterations in the limits of the jurisdiction of the Agent.

V. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to make from time to time with the previous sanction of the Governor General of India in Council, such alterations in the limits of the aforesaid Districts placed under the jurisdiction of the said Agent, as he may deem expedient.

ACT No. XI. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 22d July, 1843

An Act for regulating the service of Hereditary Officers under the Presidency of Bombay.

Preamble. Whereas it has been found that the provisions of Regulation XVI. 1827 of the Bombay Code, are insufficient to secure the efficient discharge of the duties of Hereditary Officers:

I. It is hereby enacted, that Sections XVII. and XVIII. of Regulation XVI. of 1827 of the Bombay Code, be rescinded.

II. And it is hereby enacted, that all Hereditary Officers, of whatever denomination, belonging to, or employed in the management of the Land Revenue, or of the Customs or Town Duties, or Excise, or other Revenue, or in the Police, or in the Civil Administration of the country, shall render the usual services of their respective Offices, as far as the same may be required by the Collector, or other Officer under whose control they may be placed by usage or the orders of Government.

III. And it is hereby enacted, that when the duties of an Hereditary Office fall in more than one Department, it shall be competent to the Governor in Council of Bombay to prescribe what Officer shall be vested with the control of such Office.

IV. And it is hereby enacted, that it shall be competent to the Collector or other Officer to whom the duties of an Hereditary Office are, as provided in Clause II., to be rendered, when the performance of those duties is claimed in rotation by different sharers, to require that the sharers in the wuttun shall nominate a fit and proper person from among their number, who shall hold the Office as the representative of the family either during life, or for such term, not being less in each instance than (five) 5 years, as the Collector or Controlling Officer shall determine with the sanction of the Governor in Council, and in the event of the sharers not so nominating, when required one or more of their number within a reasonable period to be fixed by the Collector or Controlling Officer, the Collector or Controlling Officer shall himself exercise the power of selection, subject to the approval of the Governor in Council.

V. And it is hereby enacted, that it shall be competent to the Collector or Controlling Officer to refuse to confirm the nomination by the sharers of any individual, if he shall have reason to think, that from age or personal disqualification the duties of the Office will not be properly performed by him, or if from character and past conduct the person nominated be considered unworthy of trust, provided that the grounds of such

such refusal shall be recorded in writing and that an appeal from such decision, shall lie to the Governor in Council, whose order thereon shall be final.

VI. And it is hereby enacted, that the Collector or Controlling Officer shall have power to punish Officiating Hereditary Officers for misconduct or neglect of duty by suspension from Office, pay, and emolument, or by fine not exceeding the computed official emolument of their Offices for three months, and to levy the said fine in the mode authorised for realizing Revenue demands.

VII. And it is hereby further enacted, that the Collector or Controlling Officer, in cases of misconduct or incompetency on the part of an Officiating Hereditary Officer, shall have power to dismiss such Officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council.

VIII. And it hereby enacted, that in conducting the investigation prescribed in the preceding Section, the Collector or Controlling Officer shall have the same authority as a Magistrate in compelling the attendance of parties and witnesses, and the production of papers, and in taking evidence.

IX. And it is hereby further enacted, that whenever any such Hereditary Officer shall be convicted of fraud or malversation, or of any criminal offence in the conduct of the duties of the Office by any Sessions Court, it shall be lawful for the said Governor in Council, to direct the confiscation of the wuttun, either wholly or in part, and after such confiscation, the duties of the Office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the wuttun shall be disposed of for the benefit of the parties previously entitled thereto or otherwise in such manner as the said Governor in Council may direct.

X. And it is hereby enacted, that no female shall perform in person the duties of any Hereditary Office.

XI. And it is hereby enacted, that if any Hereditary Officer is incapable of personally discharging the duties of his or her Office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the Collector or Controlling Officer to call upon him or her, or his or her Guardians to appoint a Deputy, subject to his approval, and on the party or parties failing to appoint a fit Deputy within a reasonable period, the appointment shall be made by the said Collector or Controlling Officer.

XII. And it hereby enacted, that all Deputies appointed to perform the duties of Hereditary Offices under this Act, and under Section IV. Regulation V. 1833, of the Bombay Code, shall be subject to the same rules and penalties as the Principals, and that the wuttun of the Office shall be liable to confiscation upon the conviction by any Sessions Court of any Deputy appointed by the Hereditary Officer in the same manner as it would be under the IXth Section of this Act upon the conviction of the Hereditary Officer himself.

XIII. And it is hereby enacted, that nothing contained in this Act shall be construed to debar the right of any sharer to participate in the rents and profits of any Hereditary Office so held and filled as above provided, after provision shall have been made therefrom for the fit maintenance of the Officiating Hereditary Officer, for which purpose it shall be competent to the Collector or Controlling Officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only, subject to the claims of the other sharers—and further that the portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the Officiating Hereditary Officer, and shall not be liable to Civil process of any Court of Law.

XIV.

XIV. And it is hereby enacted, that whenever it may be necessary, as herein before provided, that the Collector or Controlling Officer shall appoint a Deputy to conduct the duties of an Hereditary Office, it shall be lawful for him to assign to such Deputy a fit remuneration from the rents and profits of the said Office.

XV. And it is hereby enacted, that the terms "Hereditary District or Village Office or Officers" or "Hereditary District or Village Revenue Office or Officers" used in Regulation XVI. 1827 and Regulation V. 1833, of the Bombay Code, shall be held to apply to all descriptions of Hereditary Offices and Officers.

ACT No. XII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th July, 1843.

An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.

Whereas it is expedient, that the decisions of Courts of Justice and the reasons for the decision should be written and signed by the Judge at the time of pronouncing his decision, and in the vernacular language of the Judge;—

I. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reasons for the decision, and all injunctions for the revision of Decrees in regular Suits, and all orders for Reviews of Judgment, which shall be passed by Judges of the Sudder Courts, or by Judges of Zillah and City Courts, or by Subordinate or Assistant Judges of Zillahs, shall be written originally in English, and signed by the Judge or Judges at the time of pronouncing such decision and orders; and shall be translated into the vernacular language, commonly used in the Court wherein the Suit to which the Decree or Order relates, shall have been instituted; and the translation shall be incorporated in the Decree.

II. Provided that nothing in this Act contained shall be construed to repeal or affect any Regulation of the Codes of the Presidencies of Fort St. George and Bombay, by which the Decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any Regulation of the Code of the Presidency of Fort St. George, by which the Decrees of the Provincial and Zillah Courts and auxiliary Courts under Assistant Judges, and the orders of the Sudder Court and Provincial Courts on Petitions presented to them, are required to be written in English.

And whereas it is expedient, that excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens and Moonsiffs should be guided by the same rules as are herein-before provided for the guidance of the Superior Judges;—

III. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens, or Moonsiffs, shall be written originally in the vernacular language of such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, and signed by such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, at the time of pronouncing such decision and (in case such vernacular language shall not be the same as the vernacular language commonly used in the Court wherein the Suit to which the Decree relates, shall have been instituted), shall be translated into such last mentioned vernacular language, and the translation shall be incorporated in the Decree.

ACT No. XIII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th July, 1843

An Act for regulating inquiries into the truth of matters implicating the public conduct of Officers not removeable without the sanction of Government within the Presidency of Fort St. George in Madras.

Whereas it is expedient to amend the provisions contained in the Regulations concerning inquiries into the truth of matters implicating the public conduct of European Officers, and to extend the same to all Officers not removeable without the sanction of Government:

I. It is hereby enacted, that Regulations III. of 1809, II. of 1810, VI. of 1818, and VIII. of 1822, of the Madras Code, be repealed.

II. And it hereby enacted, that in the Territories subject to the Presidency of Fort St. George in Madras, whenever either the Courts of Sudr and Foujdaree Adawlut, or the Board of Revenue, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of official misconduct affecting any Officer subject to their control respectively, and not removeable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation, to the Governor in Council of Fort St. George, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to the Courts of Sudr and Foujdaree Adawlut, or to the Board of Revenue, respectively, who shall examine the complainant or informant circumstantially upon oath or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters they may deem to need explanation and make such further inquiries, upon oath or affirmation upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any Judge, Magistrate, or Collector, for any acts of the description beforementioned committed within their jurisdiction, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudr and Foujdaree Adawlut, or to the Board of Revenue, according as the person accused may be subject to those Authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudr and Foujdaree Adawlut, or the said Board, respectively, to act upon any such charge or information

formation, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Courts of Sudr and Foujdaree Adawlut, and for the said Board, respectively, to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry. Provided, that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together with all the circumstances of the case, in like manner as is provided in Section II. of this Act.

VII. And it is hereby provided, that the said Courts of Sudr and Foujdaree Adawlut, and the said Board, respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion, and in the event of security being so required all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid, affecting such Officer as is mentioned in the second Section of this Act, shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the Courts of Sudr and Foujdaree Adawlut, or the said Board, respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid, into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor in Council of Fort St. George, although no charge or information be preferred as aforesaid: and in such cases it shall not be necessary before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor in Council of Fort St. George, upon such reference as is mentioned in the second Section of this Act, shall concur with the Authority by which it may be submitted, or if such Governor in Council shall, from information of the description aforesaid that may be laid before him in respect of any Officer not directly subject to the Courts or Board above named, deem it necessary to institute proceedings against any such Officer, he shall appoint a Commissioner or Commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such Commission, the said Governor in Council shall direct whether the Commission shall be placed under the control of any of the Authorities aforesaid, or shall act immediately under the authority of Government, and all Commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government.

XI. And it is hereby enacted, that the Commissioner or Commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath:

I, A. B., Commissioner for the purpose of (here state the object of the Commission) do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favour, or bias, to the best of my ability, knowledge, and judgment; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a Special Commission, the said Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government.

Government. In the latter case, the said Governor in Council will nominate such person or persons as may be deemed proper, to conduct the prosecution on behalf of Government.

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Act, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusatiop; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a Commission under this Act such Commission shall be vested with the same powers as are exercised by the Zillah Courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the Zillah Judge in whose jurisdiction the Commission may be held, and executed by the Zillah Judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observation upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the Commissioner or Commissioners shall, when the Commission shall be instructed to act immediately under the authority of Government, submit directly to the Government to which he or they may be subordinate, and in other cases to the Controlling Court or Board, the proceedings under the Commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor in Council, or the Controlling Court or Board, upon consideration of the report of any such Commission as aforesaid, to direct the Commissioner or Commissioners to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the Commissioner or Commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudr and Foujdaree Adawlut, or the Board to which any report of a Commissioner or Commissioners may be submitted as aforesaid after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government, together with their opinion whether any and what charges have been established against the accused.

XIX. And it is hereby provided, that whenever a Special Commission may be appointed under the Provisions of this Act, the said Governor in Council will determine, on a view of the nature and circumstances of the case, whether the accused Officer shall be suspended from the discharge of the functions of his Office; and if so, whether he shall be permitted to draw the established allowances of his Office, or otherwise.

XX.

XX. And it is hereby provided, that the Governor in Council on consideration of the report and proceedings submitted to him in pursuance of Sections XVI. and XVIII. of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice and consistent with the powers possessed by Government in matters of this descripition; and in the event of his deeming it necessary that the party accused should be brought to trial by a public prosecution before a competent Court of Law, will issue the necessary instructions for that purpose to the Law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any Public Officer, will be at all times at liberty to seek redress according to the ordinary forms prescribed by law.

ACT No. XIV. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 5th August, 1843

An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

I. It is hereby enacted, that Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and of any other Regulation and Act, as affects the Collection of Customs Duties, or the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September, 1843.

II. And it is further enacted, that from and after the day abovementioned, the following and no other Duties of Customs shall be leviable upon the Import and Export of Articles into and from the North Western Provinces of the Presidency of Bengal, that is to say:

On the Import of Salt, of all descriptions, two Rupees per maund, and a further duty of one Rupee per maund on the transmission thereof to the Eastward of Allahabad.

On the Import of Cotton, uncleaned, four Annas per maund, cleaned, eight Annas per maund.

On the Export of Misree, Kund, Chenee and all clayed and refined Sugar, eight Annas per maund, Goor, Râb, Sheerah, and all unclayed and unrefined Saccharine produce, three Annas per maund.

The Import of Sugar into any part of the said Provinces, is, and shall remain prohibited.

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the collection of the aforesaid Duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published.

IV. And it is further enacted, that from and after the First day of September, 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal, without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be prepared works for the manufacture of such Salt, without such sanction, and all Zemin-

dars

dars or other proprietors of land, or their Agents, conniving at such illicit manufacture, shall on conviction by the Magistrate, within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works at which such manufacture shall have been conducted, or which are designed for such manufacture shall be destroyed, and any Salt which may be manufactured or stored thereat, shall be seized aad confiscated.

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions, to destroy all works for the manufacture of Salt, and to seize the Salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.

VI. It is further enacted, that all Sugar imported into the said Provinces, and all Articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all Boats, Carriages and Conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other Proprietors of Land, or their Agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall on conviction by the Magistrate within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

VIII. And it is further enacted, that it shall be lawful for all Officers of the Customs Department to search any carriages and conveyances, and any packages upon reasonable grounds of suspicion that such carriages, conveyances or packages, contain any articles made subject to duty, or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

X. And it is hereby enacted, that it shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any Officer of the Customs Department who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any Officer of the Customs Department who shall under color of this Act apprehend any person without reasonable grounds of suspicion that such person is liable to punishment under this Act, shall upon conviction

conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of this Act, shall be open to appeal under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all Officers of Police, and all Officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the Officer of the Customs Department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the District of Ajmere.

ACT No. XV OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 5th August, 1843

BENGAL SECRETARIAT LIBRARY

An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.

Whereas the exigencies of the public service require that the Police and Criminal Branch of the Judicial Department should be strengthened by the more extensive employment of Uncovenanted Agency;

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more Uncovenanted Deputy Magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the Office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI. 1837.

III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall be capable of being employed as a Judicial Officer or as an Officer of Police, or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII. 1797, IX. 1807, or III. 1821, or the full powers of a Magistrate according to such orders as may from time to time be issued in that respect by the Local Government, and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit or resume the powers committed to such Deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any Uncovenanted Officer in the Revenue and Judicial Departments, from holding at the same time with any other Office, the Office of Deputy Magistrate.

V. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall not be dismissed from Office for misconduct, without the sanction of the Local Government.

Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in Office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent to suspend him, and order a further enquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the Territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein is by reason only of his religion, place of birth, descent, color or any of them disabled from holding the Office of Deputy Collector under Regulation IX. of 1833.

ACT No. XVI. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 12th August, 1843.

An Act regarding the offering of Rewards for the Apprehension of Offenders.

Whereas inconvenience has been experienced from the Rules in force which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuits, or Courts exercising the powers of the old Courts of Circuit when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude. And whereas it is expedient that all such applications should be made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorize the grant of rewards;

It is hereby enacted, that Sections 2 and 3, Regulation IX. of 1808, and Sections XVI. and XVII. Regulation XVI. 1810 of the Bengal Code, be and the same are hereby repealed.

ACT No. XVII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th August, 1843.

An Act for the Appointment of Official Trustees in certain cases.

Whereas the property of Infants, Feme-Coverts and others vested in Trustees, is exposed to peculiar risks and burthens in the Territories, subject to the Government of the East India Company, not only from the Insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal, or incapacity to act:

I. It is hereby enacted, that in all cases in which any property is subject to any Trust, and there shall be no Trustee willing to act, or capable of acting within the jurisdiction of Her Majesty's Courts in the said Territories, it shall be lawful for the Supreme Court of each of the Presidencies in the said Territories, on petition to appoint the Registrar, or such other Officer of the Court, as the Court may from time to time select as the Official Trustee, under the provisions of this Act to be a Trustee of such Property, and that upon such appointment such Property shall vest in such Officer and his successors in office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

II. And it is hereby further enacted, that such Officer shall cause such Property to be invested in Government Securities or otherwise, as the Court shall direct, and that he shall be entitled to a commission of one per cent. upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders respecting such Property so vested in such Official Trustee or the Interest or Produce thereof, and that all such orders shall be made on petition unless the Court shall direct a Bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the Re-transfer of the said Property to the Original or any subsequently appointed Trustees, or otherwise, as the Court shall direct.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift, or Legacy, or Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferable, or the party by whom such Gift shall be made, or any Trustee thereof to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like Provisions as are contained in this Act, as to other Property vested in such Official Trustee under the Provisions thereof.

VI.

VI. And it is hereby further enacted, that the Provisions of this Act, except as to the Commission to be allowed under the same, shall extend to any Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

ACT No. XVIII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 9th September, 1843

An Act for the better custody of persons, convicted of Thuggee and Dacoity.

Whereas it often happens that the offences of Thuggee and Dacoity are committed by gangs, as well within the Territories subject to the Government of the East India Company, as in those of Native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the Territories subject to the Government of the East India Company, that persons convicted of the like offences within the Territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last mentioned Territories:

It is hereby enacted, that it shall be lawful for the local Government of any part of the Territories subject to the Government of the East India Company, to authorize the reception and detention in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits, within the Territories of any Native Prince or State in alliance with the said Company. Provided always that such sentences shall have been pronounced after trial before a Tribunal, in which a Covenanted Servant of the East India Company, duly authorized in that behalf by such Prince or State, shall be one of the presiding Judges. And it is hereby enacted, that every Servant of the East India Company so authorized as aforesaid shall forward with every Prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

ACT No. XIX. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 28th October, 1843.

AN Act for amending the Law respecting the Registration of certain Deeds.

Whereas doubts have risen as to the true meaning and construction of Act No. I. of 1843:

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the First day of May last past, every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said First day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same whether made before or after the said First day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration any Act, Regulation or Law to the contrary notwithstanding.

ACT No. XX. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 30th October, 1843.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. XXI. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 11th November, 1843

An Act for regulating the Emigration of Labourers from India to Mauritius.

I. Whereas it has been represented that the demands of the Island of Mauritius for Agricultural labor will by the end of this year be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of Female Emigrants to that Island than has been procured under the present system of Emigration, it is therefore enacted, that from and after the 1st day of January next ensuing, Emigration to Mauritius shall only lawfully take place under the provisions of the Act No. 15 of 1842 from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor General in Council to nominate a proper person to act as Protector of Emigrants at Calcutta, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government

ACT No. XXII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 18th November, 1843

An Act for amending the Law relating to the Jurisdiction of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs.

Whereas by Section XVII. of Regulation III. of 1793 of the Bengal Code, it was amongst other things provided that the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced:

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the Twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience:

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

ACT No. XXIII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 18th November, 1843

An Act for amending the Law relating to the Jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.

Whereas by Section XII. of Regulation II. of 1803 of the Bengal Code, it was amongst other things provided that the Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Hon'ble the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the Town of Calcutta unless such suit should relate to real property situated without the limits of Calcutta or to the public Revenue:

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs:

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient:

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawaub Vizier to the East India Company, as to the other Provinces, Zillahs and Pergunnahs to which it may have been extended.

ACT No. XXIV. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 18th November, 1843.

An Act for the better prevention of the Crime of Dacoity.

Whereas it has been considered necessary to adopt more stringent measures for the conviction of professional Dacoits, who belong to certain Tribes, systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the Provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of Thuggee, to persons concerned in the perpetration of Dacoity.

I. It is hereby enacted, that whosoever shall be proved to have belonged either before or after the passing of this Act to any gang of Dacoits, either within or without the Territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labor.

II. And it is hereby enacted, that any person accused of the offence of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Dacoity, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act, require any Futwa from any Law Officer.

ACT No. XXV. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council, on the 23d November, 1843.

An Act for making the Provisions of 5 and 6 Vic. C. 47, Sec. XI. applicable to India.

Whereas doubts have arisen as to whether so much of an Act passed in the 5th and 6th year of the reign of Her Majesty Queen Victoria, entitled "an Act to amend the Laws relating to the Customs," as provides "that from and after the 5th day of January 1843, any Articles of Foreign Manufacture, and any packages of such Articles imported into the United Kingdom or into the British possessions abroad bearing any names, brands or marks purporting to be the names, brands or marks of Manufacturers resident in the United Kingdom, shall be forfeited," is applicable to the Territories subject to the Government of the East India Company:

It is hereby enacted, that from and after the First day of May 1844, any Articles of Foreign Manufacture, and any packages of such Articles imported into the Territories subject to the Government of the said Company bearing any names, brands or marks, purporting to be the names, brands or marks of Manufacturers resident in the United Kingdom, shall be forfeited.

ACT No. I. OF 1844.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th January, 1844, with the assent of the Right Hon'ble the Governor General of India.

An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, His Family and Retinue.

Whereas questions have lately been raised as to the liability of persons of the Family, Household and Retinue of His Highness the Nabob of the Carnatic to the process and jurisdiction of Courts of Justice, and it is deemed expedient that provision should be made for protecting by legislative enactment, under the qualifications hereinafter mentioned, certain individuals of the Family, Household and Retinue of his said Highness from any such liability, and from claims and litigation to establish any such liability:

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Fort Saint George to publish, from time to time, in the Gazette at Madras, lists containing the names of persons belonging to the Family, Household or Retinue of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, who are to be entitled under this Act to privilege from Civil and Criminal process, and also from time to time to revise and alter such lists and publish in the Gazette as aforesaid new lists of the persons entitled for the time being to such privilege, and the list which shall have been last so published shall be the list which for the time being shall be in force and effect for the purpose of this Act.

II. And it is hereby enacted, that no Writ or Process shall at any time be sued forth or prosecuted against the person, goods or property of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, or of any person whose name shall be included in any list so published in the Gazette as aforesaid, and which for the time being shall be in force and effect for the purpose of this Act, unless such Writ or Process shall be so sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretary, or one of the Secretaries of Government, and that any Writ or Process which shall at any time be sued forth or prosecuted against the person or goods or property of His said Highness, or of the Nabob Regent, or of any such person as aforesaid, without such consent as aforesaid, so testified as aforesaid, shall be utterly null and void.

III. And it is hereby enacted and directed, that the said Governor in Council of Fort St. George shall from time to time cause to be furnished to the Governor General of India in Council copies of any and every list which shall be so published as aforesaid, and shall

and shall conform to and follow any directions which he may from time to time receive from the Governor General of India in Council respecting the persons to be included in any such list from time to time, and otherwise with respect to the matters which are the subject of this Act. And also that the said Governor in Council of Fort St. George shall from time to time cause every list, which shall be published in the Gazette as aforesaid, to be also otherwise published in such manner as shall be deemed proper and sufficient for the purpose of making the same generally known.

VI. And it is hereby enacted and provided, that this Act shall not be construed or be held to be in any way declaratory or explanatory of the meaning or effect of any Treaty made or entered into with His Highness the Nabob of the Carnatic, and shall not be construed either to enlarge or restrict the operation of any such Treaty, and that independently of this Act His Highness the Nabob of the Carnatic and the Nabob Regent for the time being, and their respective families, dependants, and retinue shall be entitled to claim, maintain and enjoy any privilege which by virtue of any such Treaty or otherwise they may be rightfully entitled to.

ACT No. II. OF 1844.

Passed by the Hon'ble the President of the Council of India in Council, on the 17th February, 1844, with the assent of the Right Hon'ble the Governor General of India.

An Act respecting the Expense of preparing Copies of Proceedings in Appeals.

Whereas it is just and necessary that the expence of preparing copies in the English Language of the proceedings in Cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section C, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals:

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the Appellant within the time allowed for furnishing Security for Costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively

ACT No. III. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council, on the 2d March, 1844.

An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

I. Whereas it is expedient until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences:

It is hereby enacted, in modification of C. 1, S. 2, Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of School discipline than of ordinary criminal justice:

It is hereby enacted, that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of School discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

ACT N° IV OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 2d March, 1844

An Act for repealing Regulation IX of 1808 of the Bengal Code

Whereas the Provisions of Regulation IX of 1808 of the Bengal Code "for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete.

It is hereby enacted, that the said Regulation be repealed

ACT No. V OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 2d March, 1844

An Act for the suppression of all Lotteries not authorized by Government.

Whereas great mischief has been found to result from the existence of Lotteries.—

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall from and after the 31st day of March 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5000 Rupees.

III. And it is hereby enacted, that from and after the day aforesaid no person shall under any pretence, device or description whatsoever agree to pay any sum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this Section shall for every such offence upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 1000 Rupees.

IV And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the Informer or Informers

ACT No. VI. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 16th March, 1844.

An Act for abolishing the levy of Transit or Inland Customs Duties, for revising the duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for Home consumption within the territories subject to the Government of Fort St. George.

It is hereby enacted, that from the First day of April 1844, such parts of Regulation X. of 1803, Regulation I. of 1812, Regulation III. of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code, as prescribe the levy of Transit or Inland Customs Duties at any Town or Place within the limits of the Presidency of Fort St. George, shall be repealed.

Rescinding all Regulations of the Madras Code imposing Inland, Transit and Town Duties

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of Sections 55 to 70 both inclusive, Regulation XI. 1803, Regulation XIV. of 1808, Regulation XV. of 1808, with exception of Section 5, Regulation II. of 1812, with exception of Sections 15 and 17, Regulation IV. of 1812, and such parts of Regulation I. of 1813, of the same Code, as relate to the rates of Duty and Drawback on Spirituous Liquors imported or exported by Sea, also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. of 1819, and Regulation VII. of 1819, together with the Schedules appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations either in part or in whole of the Madras Code, and likewise the Provisions of any kind contained in the foregoing or any other Regulations of the Madras Code for fixing the amount of Duty to be levied on Goods imported or exported by Sea, at any place within the limits of the Presidency of Fort St. George, or the Drawback payable on the same, shall be repealed.

Rescinding Regulations of the Madras Code imposing Sea Customs Duties, with certain exceptions

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Municipal Tax, or of any Toll on any Bridge, Road, Canal, Pier or Causeway, for repair and maintenance of the same; or of any fee for the erection and maintenance of Light Houses.

Proviso

IV. And it is hereby enacted, that Duties of Customs shall be levied on Goods imported by Sea into any place within the Territories subordinate

Duties to be levied on Goods imported by

Sea into the Presidency of Fort St. George

subordinate to the Government of the Presidency of Fort St. George, after the said First day of April 1844, according to the rates specified in Schedule A annexed to this Act, with the exceptions specified therein, and the Schedule with the Notes attached thereto, shall be taken to be a part of this Act.

Duties to be levied on Goods exported by Sea from the Presidency of Fort St George

V. And it is hereby further enacted, that Duties of Customs shall be levied upon Country Goods exported by Sea from any ports of the Presidency of Fort St. George after the said First day of April 1844, according to the rates specified in Schedule B annexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto, shall also be taken to be a part of this Act.

Duties to be levied on Goods passing by Land into or out of Foreign European Settlements, adjacent to the Presidency of Fort St George

VI. And it is hereby enacted, that Duties of Customs shall be levied on Goods passing by Land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Fort St. George, at the rates prescribed in the Schedules of this Act for Goods imported or exported on Foreign bottoms at any British port in that Presidency.

The Governor in Council may declare by notice in the Gazette, the Territory of Native Chiefs, beyond the jurisdiction of the Courts, to be Foreign

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by notice to be published in the Gazette of that Presidency, that the Territory of any Native Chief not subject to the jurisdiction of the Courts and Civil authorities of that Presidency, shall be deemed to be Foreign Territory, and to declare Goods passing into or out of such Territory liable either to the Duty fixed for British or for Foreign Bottoms, as the said Governor in Council may think fit.

Customs Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territory

Powers of Officers at such Chokees

Goods not to be allowed to pass across the Frontier line without a Certificate of the Duty thereon having been paid in full

VIII And it is hereby enacted, that for the levy of Duties of Customs as above provided on Goods exported by Land to, or imported by Land from, such Foreign Territories, Customs Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a Certificate shewing that the Customs Duty leviable thereupon has been paid in full.

The Governor in Council may appoint Officers to collect Duties and to grant Certificates of payments.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such Officers as he may think fit to receive money on account of Customs Duties, and grant Certificates of the payment thereof, and that such a Certificate being delivered to any Chokee Officer shall entitle Goods to cross the frontier into or out of the East India Company's Territories, provided that the Goods correspond in description with the specification thereof contained in such Certificate, and that the Certificate shew the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Chokee be found not to correspond with the specification entered in the Certificate presented with the same, the difference shall be noted on the face of the Certificate, and if the payment of Duty certified therein shall not cover the entire

If Goods be found not to correspond with Certificate, the difference to be noted on the face of the Certificate, and if the Duty

entire amount of Duty leviable on the Goods as ascertained at such examination, the Goods shall be detained until a further Certificate for the difference shall be produced.

have not been duly paid, the Goods to be detained until a further Certificate be produced.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Fort St. George of the appointment of every Officer appointed to receive Customs Duties on Goods crossing the land frontier of the said Foreign Territories, and the Officers so appointed shall on receipt of money tendered as Customs Duty be bound to give to any Merchant or other person applying for the same a Certificate of payment, and to enter therein the specification of Goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

The appointments of Officers to receive Customs Duties on the frontier to be notified in the Official Gazette.

Officers so appointed bound to grant Certificates on receipt of the proper Duty.

XI. And it is hereby enacted, that no Certificate shall be received at any Chokee that shall bear date more than thirty days before the date when the Goods arrive at the Chokee. Provided, however, that any person who has taken out a Certificate from any authorized receiver of Customs Duties, shall at any time within the said period of thirty days, on satisfying such receiver that such Certificate has not been used, and on delivering up the original, be entitled to receive a renewed Certificate, with a fresh date, without further payment of Duty.

Certificates not to bear date more than thirty days before the arrival of the Goods.

Proviso.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice in the Official Gazette of the Presidency of Fort St. George by what routes Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections VI. and VII. of this Act; and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a Certificate, be sent back; and if not provided with a Certificate shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

The Governor in Council to notify in Official Gazette by what routes Goods may cross the land frontier

After which Goods brought by other routes to be liable to detention, or confiscation.

XIII. And it is hereby enacted, that Goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

Goods crossing frontier clandestinely to be confiscated.

XIV. And it is hereby enacted, that any Chokee Officer who shall permit Goods to pass across the frontier when not covered by a sufficient Certificate, or who shall permit Goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding Five hundred Rupees, commutable if not paid to imprisonment for a further period of six months.

Penalty for Officer permitting Goods to cross the frontier without Certificate, or by prohibited route.

XV. And it is hereby enacted, that if any Chokee Officer shall needlessly and vexatiously injure Goods under the pretence of examination,

Penalty for a Chokee Officer needlessly and vexatiously injuring

Goods, or wrongfully detaining them

mination, or in the course of his examination, or shall wrongfully detain Goods for which there shall be produced a sufficient Certificate such Officer shall, on conviction before the Collector of Customs, or before any Magistrate or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable if not paid to imprisonment for a further period of six months.

Goods imported by Sea from Foreign European Settlements or Native States declared Foreign, to be liable to Duties leviable on Foreign Bottoms

XVI. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under Section VII. of this Act to be subject to the Duties levied on Foreign Bottoms, shall be liable to the same Duties as are imposed by Schedule A on Imports on Foreign Bottoms.

No Dutiable Goods entered in either of the Schedules of this Act to be exempted unless under special order of Government

Proviso

XVII. And it is hereby enacted, that no Goods whatsoever entered in either of the Schedules of this Act, as liable to Duty, shall be exempted from the payment of such Duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Fort St. George. Provided always, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House to pass free of Duty any baggage in actual use at his discretion; and if any person shall apply to have Goods passed as such baggage, the Collector acting under the orders of the Government, shall determine whether the baggage be in actual use, or Goods subject to duty under the Provisions of this Act.

Proviso under which Goods may be imported Duty free from any other Madras Port

XVIII. Provided always, that when Goods are imported at any port of the Presidency of Fort St. George from any other port in that Presidency under Certificate that the Export Duty specified in Schedule B has been duly paid thereon, or that there has been a Re-export, and that the Import Duty specified in Schedule A has been duly paid, the said Goods shall be admitted to free entry.

Further Proviso under which credit may be given at any Madras Port for Duties paid at any other British Indian Port

XIX. Provided also, that when Duties of Customs shall have been paid on any Goods at any port in any part of the Territories of the East India Company not subject to the Presidency of Fort St. George, and such Goods shall subsequently be imported at any port of the Presidency of Fort St. George credit shall be given at such last mentioned port for the sum that may be proved by the production of due Certificates to have been so paid.

The Governor in Council to notify in the Official Gazette, the valuation of Articles liable to ad valorem Duty

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George, from time to time, by notice in the Official Gazette of that Presidency, to fix a value for any Article or number of Articles liable to ad valorem Duty, and the value so fixed for such Articles shall, till altered by a similar notice, be taken to be the value of such Articles for the purpose of levying Duty on the same.

When no value has been fixed or declared, Duty to be levied according to the Market value

XXI. And it is hereby enacted, that when Goods liable to Duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed Duty has not been declared by the Schedule

Schedules annexed to this Act, are brought to any Custom House in the Presidency of Fort St. George, for the purpose of being passed for importation or exportation, the Duty leviable on such Goods shall be levied ad valorem, that is to say, according to the Market value of such Goods at the place and time of importation or exportation as the case may be.

The Market value how and by whom to be declared

Application to be made in writing for the passing of Goods through the Custom House.

What the application is to contain.

XXII. And it is hereby enacted, that the Market value for Assessment of Duties on ad valorem Goods shall be declared by the Owner, Consignee, or Exporter, or by the Agent or Factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the Goods through the Custom House, and the value so declared shall include the packages or materials in which the Goods are contained, and the application shall truly set forth the name of the Ship in which the Goods have been imported or are to be exported, the name of the Master of the said Ship, the Colours under which the said Ship sails, the number, description, marks, and contents of the packages, and the country in which the Goods were produced.

Declaration of Market value to be submitted to Appraising Officer.

The Collector of Customs empowered to purchase undervalued Goods at the price so declared.

Payment for the Goods when and how to be made.

XXIII. And it is hereby enacted, that every such declaration, when duly signed shall be submitted to the Officer of Customs appointed to appraise Goods at the Custom House, and if it shall appear to him that the same is correct he shall countersign it as admitted; but if any part or the whole of the Goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs who shall have power to take the Goods or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take Goods for the Government, payment thereof shall be made to the Consignee or Importer, if the Goods be imported Goods, within fifteen days from the date of the declaration, the amount of Import Duty leviable thereon being first deducted, and if the Goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs Duty.

Government to notify in the Official Gazette the Ports for landing and shipping Merchandize. Goods landing at other Ports to be confiscated.

XXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by public notice in the Official Gazette of that Presidency what places within the same shall be ports for the landing and shipment of Merchandise, and any Goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

Manifests of Cargo to be sent in by Masters of Vessels on arrival.

The Governor in Council may appoint places beyond which no inward bound Vessel may pass until the Master have forwarded his Manifest of Cargo

XXV. And it is hereby enacted, that when any Vessel shall arrive in any port of the Presidency of Fort St. George, the Master shall deliver a true Manifest of the Cargo on board, made out according to the form annexed to this Act and marked C, to the first person duly empowered to receive such Manifest that may come on board, and if no such person shall have come on board before the anchor of the said Vessel is dropped, then the Manifest shall be forwarded to land on board of the first boat that leaves the Vessel after dropping anchor, and if the port be up a River or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an Order published in the Official Gazette of the Presidency, to fix a place in any such

Excepting certain Country Craft.

such River or port beyond which place it shall not be lawful for any inward bound Vessel, except such Country Craft as are described in Sections LIV. and LV. of this Act, to pass until the Master shall have forwarded in such manner as may be ordered by the said Governor in Council such a Manifest as is required by this Act.

Penalty for a Master delivering a Manifest not containing a full and true specification of Cargo

XXVI. And it is hereby enacted, that if the Manifest so delivered by the Master shall not contain a full and true specification of all the Goods imported in the Vessel, the said Master shall be liable to a fine of One Thousand Rupees, and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with double or such increased Duties as may be determined by the Collector of Customs under the orders of Government.

Masters of inward bound Vessels remaining outside of the places fixed by the Governor in Council, required to deliver Manifests.

Penalty for the Master of a Vessel refusing to deliver a Manifest.

XXVII. And it is hereby enacted, that if any inward bound Vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of Manifests, the Master shall deliver a Manifest as hereinbefore prescribed, to the first person duly empowered to receive such Manifest that may come on board, and if any Vessel entering a port for which there is a Custom House established shall lie at anchor there for the space of twenty-four hours, the Master whereof shall refuse to deliver the said Manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding One Thousand Rupees, and no Entry or Port Clearance shall be given for such Vessel until the fine is paid.

No Vessel to break bulk until the Collector of Customs have received Ship's Papers.

XXVIII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until a Manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the Collector of Customs, shall have been received by the said Collector, or until order shall have been given by the said Collector for the discharge of the Cargo; and that the said Collector may further refuse to give such order if he shall see fit until any Port Clearances, Cocketts or other Papers, known to be granted at the places from which the Vessel is stated to have come, shall likewise be delivered to him.

Goods moved from or put on board of any Vessel without due entry in the Custom House, or permission for discharge of of Cargo, to be seized as contraband.

After entry in due form, Cargo not declared for re-exportation may be landed, and Export Cargo laden.

Goods liable to seizure and confiscation if attempted to be land-

XXIX. And it is hereby enacted, that no Goods shall be allowed to leave any Vessel or to be put on board thereof until entry of the Vessel shall have been duly made in the Custom House of the port, nor until order shall have been given for discharge of the Cargo thereof, as above provided, and it shall be the duty of every Customs Officer to seize as contraband any Goods which have been removed or put on board of any Vessel in contravention of the above Provision, or which any attempt shall have been made to remove from, or to put on board of any Vessel in contravention of the above Provision. And after entry of the Vessel at the Custom House in due form, such part of the Cargo as may not be declared for re-exportation in the same Vessel shall be sent to land, and Export Cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Fort St. George, and if an attempt be made to land or put on board Goods

Goods or Merchandize in contravention of the forms and rules so prescribed, the Goods shall be liable to seizure and confiscation.

ed or put on board in contravention of this Act

XXX. And it is hereby enacted, that if Goods entered in the Manifest of a Vessel shall not be found on board that Vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if Goods sent out of the Vessel be not landed at the Custom House, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding Five Hundred Rupees for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if the Duty can be ascertained. Provided however that nothing herein contained shall be construed to prevent the Collector of Customs from permitting at his discretion the Master of any Vessel to amendobvious errors, or to supply omissions from accident or inadvertence by furnishing an amended or supplemental Manifest.

Penalty on Master if Cargo do not correspond with his Manifest, or if Goods sent out of the Vessel be not landed at the prescribed places

Provision for the amendment of obvious errors in Manifests of Cargo

XXXI. And it is hereby enacted, that there shall in every port of the Presidency of Fort St. George be one or more places appointed for the landing and shipment of Goods, and Goods shall not be landed at or shipped from any other place without the special order in writing of the Collector of Customs for the port, and if any Goods be landed, or an attempt be made to land any Goods at any other than the said authorized places, or if any Goods be shipped or an attempt be made to ship any Goods from any others than the said authorized places without such order, they shall be seized and confiscated.

One or more places in every Port to be appointed for the landing and shipment of Goods.

Goods landing at or shipping from any other place without special permission to be confiscated.

XXXII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of Boats for the landing and shipping of Merchandize, or to license and register the Cargo Boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey Goods to or from any Vessel in such port, otherwise than in the Boats so authorized and prescribed, except under special Permit from the Collector of Customs at the port, and any Goods that may be found on board of other Boats than those so authorized for the port shall be liable to be seized by an Officer of Customs and shall be liable to confiscation.

The Governor in Council may license Boats for landing and shipping Merchandize and after notification Goods found on any other Boats to be liable to confiscation.

Excepting under special Permit from the Collector of Customs.

XXXIII. And it is hereby enacted, that when the Governor in Council of the Presidency of Port St George shall see fit to maintain at any port an establishment of Officers to be sent on board of Vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more Officers of such establishment to remain on board of any Vessel in such port by night and by day, until the Vessel shall leave the port, or it shall be otherwise ordered by the Collector.

After due notification by Government the Collector of Customs empowered to station Customs Officers on board of any Vessel

XXXIV. And it is hereby enacted, that any Master of such Vessel at such port who shall refuse to receive such Officer with one Servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such Servant suitable shelter and sleeping accommodation while on board,

Penalty for the Master of a Vessel refusing to receive and accommodate such Officer.

board, and likewise furnish them with a due allowance of fresh water if necessary and with the means of cooking on board, shall be liable to a fine not exceeding the sum of One Hundred Rupees for each day during which such Officer and Servant shall not be received and provided with suitable shelter and accommodation.

Collector of Customs may issue warrant to search any Vessel

Powers of an Officer bearing such Warrant

Penalty for any Master of a Vessel resisting Officer with Warrant for search

XXXV. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his warrant or written order for such search addressed to any Officer under his authority, and upon production of such order the Officer bearing it shall be competent to require any Cabins, Lockers, or Bulk-heads to be opened in his presence, and if they be not opened upon his requisition to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs shall be liable to confiscation, and any Master or person in charge of a Vessel who shall resist such Officer or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence to a fine of One Thousand Rupees.

Penalty for a Master removing or putting on board Goods between sunset and sun-arise, or when the Custom House is closed, without leave from Collector

XXXVI And it is hereby enacted, that every Master of a Vessel who shall remove from such Vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding Five Hundred Rupees.

Export Cargo Boats without Permits not allowed to lie along side Vessels on which Customs Officers are stationed

Goods on such Boats if not covered by a Pass to be liable to confiscation

XXXVII. And it is hereby enacted, that no cargo Boat laden with Goods intended for exportation by Sea shall make fast to, or lie alongside of, any Vessel on board of which there shall be a Customs Officer stationed unless there shall be on board the Boat, or have been received by the said Customs Officer, a Custom House Permit or order for the shipment of the Goods, and the Goods on board of any Boat that may so be alongside or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel shall be liable to confiscation.

In the removal of Goods from on board any Vessel, a Boat Note to be sent with each separate despatch

Goods liable to confiscation if found without a Boat Note, or out of the track between the Vessel and

XXXVIII. And it is hereby enacted, that when Goods shall be sent from on board of any Vessel having a Customs Officer on board for the purpose of being landed and passed for importation there shall be sent with each Boat load or other separate despatch a Boat Note, specifying the number of packages, and the marks and numbers or other description thereof, and such Boat Note shall be signed by an Officer of the Vessel, and likewise by the Customs Officer on board, and if any imported Goods be found in a Boat proceeding to land from such a Vessel without a Boat Note, or if being accompanied by a Boat Note they be found out of the proper track between the Ship and the proper place of landing, the Boat containing such Goods

Goods may be detained by any Officer of Customs duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the Goods shall be liable to confiscation.

the proper place of landing

XXXIX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified Articles, all such packages, with the whole of the Goods contained therein, shall be liable to confiscation.

Goods brought to be passed through the Custom House if not corresponding with the description in the application liable to confiscation.

XL. And it is hereby enacted, that if any person after Goods have been landed, and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the Goods shall be liable to confiscation unless it shall be proved to the satisfaction of the Collector of Customs that the removal was not sanctioned by the Owner or by any person having an interest in or power over the Goods.

Goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the Custom House

XLI. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by Sea and stowed in bulk shall be weighed or measured on board ship before sent to land, and to levy Duty according to the result of such weighing or measurement.

Collector of Customs may require Goods in bulk to be weighed or measured before landing, and levy Duty accordingly

XLII. And it is hereby enacted, that Clause 2, Section XI. of Regulation I of 1805 of the Madras Code shall be repealed.

Rescinding C. 2, S. XI. of Reg. I. of 1805 of the Madras Code.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of Salt to the Government of the Presidency of Fort St. George for Salt that may be manufactured and sold under the orders of the Governor in Council for consumption within the Territories subordinate to the Presidency of Fort St. George, shall subsequent to the date specified in Section I of this Act be One Company's Rupee and Eight Annas for every maund of 3,200 tolas weight of Salt.

Fixing the price to be paid for Salt within the Presidency of Madras

XLIV. And it is hereby enacted, that it shall be competent to the Governor General of India in Council to grant a remission of the price specified in the last preceding Section of this Act in cases in which it may appear that the grant of such remission is expedient.

The Governor General in Council empowered to grant a remission of this price

XLV. And it is hereby enacted, that on application by the Exporter of any Salt that has paid the full price fixed to be paid for Salt sold for Home consumption under the provisions of Section XLIII. of this Act, a Certificate shall be granted by the Collector of Customs at the place of export, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other port of the said

Salt having paid the Home consumption price may be landed free at any other Madras Port under Certificate.

said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of Salt into the interior without the levy of any further Duty of Customs

Limited period allowed for discharge of Import Cargo of Vessel on which Customs Officer may be stationed

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel to superintend the delivery of Cargo, twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs Officer first went on board. And if the whole Cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such Officer, and other expenses for any further period that such Officer may be detained on board. And if the Owners, Importers, or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master so to do.

Limited period allowed for discharging Cargo from any Vessel without a Customs Officer on board

Goods remaining on board after period allowed, to be landed and ware-housed by order of Collector

Customs Collector, with consent of Master of Vessel may cause any packages to be deposited in the Government Warehouses

The Collector empowered to sell Goods if not cleared from Custom House within period specified

XLVII. And it is hereby enacted, that when there shall be no Customs Officer sent aboard Vessels discharging Cargo, it shall be lawful for the Collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the Vessel inwards; and if any Goods remain on board after the time so fixed, or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the Duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same; Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouses for the security of the Duties and Charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case any Goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of entry of the Ship in which such Goods were imported, it shall be competent to the Collector to sell the same on account of the Duties and other Charges due thereon, and the balance remaining after deducting the said Duties and Charges shall be held in deposit and paid to the Owner on application.

Limited period allowed for putting Export Cargo on board of any Vessel.

XLVIII. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel discharging Cargo a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board Export Cargo if the Vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case not be charged with the wages and expenses of the Custom Officer on board until after the expiration of such additional period: and if a Vessel having discharged its Import Cargo shall be laid up, the Customs Officer on board shall certify that no Goods remain on board except necessary stores and articles for use, and when a Vessel

Vessel so laid up shall be entered at the Custom House for receipt of Export Cargo a Customs Officer shall be sent on board, and if the said last mentioned Officer shall certify that no Goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays, as above, shall be allowed from the date of such Certificate for the lading outwards of a Vessel not exceeding six hundred tons, and thirty days for Vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expenses of the Customs Officer on board to the date of the Vessel's sailing from the port.

Penalty for putting Goods on board a Vessel after Customs Officer's removal there from, and before a Customs Officer have again been placed thereon.

XLIX. And it is hereby enacted, that when upon application from the Master of any Vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such Vessel shall before a Customs Officer have again been placed in such Vessel put on board of such Vessel, or cause or suffer to be put on board of such Vessel, any Goods whatever, such Master shall be punished with a fine not exceeding One Thousand Rupees, and the Goods shall be liable to be re-landed for examination at the expense of the Shippers, upon requisition to that effect from the Collector of Customs.

A port Clearance to be granted to the Master of every Vessel on Certificate of all public demands against him having been satisfied

L. And it is hereby enacted, that a Port Clearance shall be granted by the Collector of Customs or other authorized Officer to the Master or Commander of every Vessel clearing out from the ports of the Presidency of Fort St. George, provided such Master or Commander shall have complied with the terms prescribed by this Act, and with the rules of the port concerned, and shall produce a Certificate from the proper Officer or Officers of all Port Charges and public demands against him of whatever nature having been duly paid and discharged.

Rules for levying Duty on Goods passed through Custom House for shipment after grant of Port Clearance

LI. And it is hereby enacted, that upon any Goods liable to Duty that may be passed through the Custom House for shipment, the application for which shall be presented after Port Clearance shall have been taken out, double of the prescribed Duty shall in all cases be levied, and if the Goods be free or have already paid Import Duty, or have been imported free under Certificate, five per cent. upon the Market value shall be levied thereon, or if the same be imported Goods entitled to Drawback, the Drawback shall be forfeited, but no separate Duty shall be levied on Drawback Goods.

Cargo of Vessels putting back from stress of weather, or damage, and compelled to re-land Cargo, to be taken charge of by Customs Officers, and lodged in such place as the Collector may direct

LII. And it is hereby enacted, that when a Vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the Cargo of a Vessel that has cleared out shall be unshipped or re-landed, a Customs Officer shall be sent to watch the Vessel and take charge of the Cargo during such re-landing or removal from on board, and the Goods on board such Vessel shall not be allowed to be transhipped or re-exported free of Duty by reason of the previous settlement of Duty at the time of first export unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other Vessel under special charge of the

Proviso, under which the Cargo may be landed as imported Goods, and the Exported Duty refunded.

of the Officers of Customs until the time of re-export, and all Charges attending such custody shall be borne by the Exporter; Provided, however, that in all cases of return to port after Port Clearance on account of damage or for stress of weather, it shall be lawful for the Owner, or for the Master to enter the Vessel and land the Cargo under the rules for the importation of Goods, and the Export Duty shall in that case be refunded and the amount paid in Drawback be reclaimed, and if Goods on account of which Drawback has been paid be not found on board the Vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

Penalty for a Master putting back into Port without Goods on which Drawback has been allowed

Duty on Goods re-landed before the lading is complete to be refunded, but not after grant of Port Clearance

Unless the Vessel have put back for stress of weather or damage

LIII. And it is hereby enacted, that when Goods shall be re-landed before the lading of any Vessel is complete, and before Port Clearance has been granted, the Duty levied upon such Goods shall be returned to the Exporter, but no refund shall be made of Duty paid on the export of any Goods after Port Clearance shall have been granted for the Vessel on which the Goods were exported, unless the Vessel shall have put back for stress of weather or for damage, and the Goods shall have been re-landed under the rule contained in the last preceding Section of this Act.

Penalty on Coasting and Country Craft for contravening such rules as Governor in Council may lay down for their regulation

LIV. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the Coasting and Country Craft of the British Territories, for the delivery of Manifests of the Cargo of such Vessel and for the landing of Goods therefrom, and shipping of Goods thereon, and that whoever being in charge of any such Craft shall knowingly contravene any such rule shall be liable to a fine not exceeding One Hundred Rupees for each offence.

Specification of Native Craft to be treated like Coasting Craft of the British Territories.

LV. And it is hereby enacted, that Pattamars, Dhonies, and other small Craft from the Maldive or Laccadive Islands, or from the Native Ports of Kattywar and Cutch, and of the Travancore and Cochin States, shall be treated in the ports of the Presidency of Fort St. George like the Coasting Craft of the British Territory, provided that they conform to such special Regulations as to the place of anchoring and mode of landing and shipping Goods, as may be made by the Governor in Council for such Vessels in the several ports of the Presidency of Fort St. George.

No Drawback allowed on Goods shipped on such Native Craft

LVI. And it is hereby enacted, that no Drawback shall be allowed on Goods shipped on such Native Craft as are described in the last preceding Section of this Act.

Goods re-exported in the same Vessel not subject to Duty Duty to be levied on transhipped Goods as if they had been landed and re-exported

LVII. And it is hereby enacted, that the Goods exported in the same Vessels if manifested for re-export, shall not be subject to Import or Export Duty, and if any Goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same Duty as if they had been landed and passed through the Custom House for re-exportation in the vessel into which they may be transhipped.

Goods to be liable to confiscation if transhipped without special

LVIII And it is hereby enacted, that no transhipment shall be made of any Goods except under special order in writing from the

Collector

Collector of Customs of the port, and that Goods transhipped or attempted to be transhipped without such order shall be liable to confiscation.

cial license from Collector.

LIX. And it is hereby enacted, that an Officer of Customs shall in all cases be deputed to superintend the removal of Goods from vessel to Vessel.

Customs Officer to superintend transhipment.

LX. And it is hereby enacted, that in all cases in which under this Act Goods are liable to confiscation, the Collector of Customs of the place where those Goods may be shall be competent to adjudge such confiscation.

The Collector competent to adjudge confiscations.

LXI. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any fine on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Fort St. George, to refuse Port Clearance to such Vessel until the fine shall be discharged.

The Collector may exact payment of fines before granting Port Clearance.

LXII. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other Officer who may be authorized to adjudicate Customs Cases, if he shall decide that a seizure of Goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the Proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the Goods; and if the Proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any Court of Justice on account of such seizure: and if such Adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double Duty: and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the Goods, a proportion not exceeding one-half shall be distributed in rewards amongst such Officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

Empowering Collectors of Customs to decide upon cases of seizure and to adjudge damages.

To mitigate penalty of confiscation to the extent of the levy of double Duty.

And to distribute part proceeds of sale of confiscated Goods in rewards among Seizing Officers.

LXIII. And it is hereby enacted, that all Officers of Customs shall as heretofore be amenable to the Civil Courts of the Presidency of Fort St. George by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Customs or other Officer for any Judicial award in a matter of Customs Passed under the preceding Section of this Act.

All Officers of Customs amenable to Civil Courts.

Proviso.

LXIV. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding One Thousand Rupees, or both.

Penalty for obstructing Customs Officers in the exercise of their powers.

LXV. And it is hereby enacted, that whoever, being an Officer appointed under the authority of this Act, shall accept, or obtain or attempt to obtain from any person any property as a consideration for

Penalty for Customs Officer receiving consideration for doing or forbearing any official act.

doing

doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty for a Customs Officer concerned in defrauding the Customs Revenue.

LXVI. And it is hereby enacted, that whoever being an Officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs Revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty for exacting Customs or Duties without authority as a Customs Officer.

LXVII. And it is hereby enacted, that whoever not being an Officer appointed under this Act, or authorized by any Regulation to collect Customs or Duties shall exact Customs or Duties of any denomination on any pretence whatsoever whether as principal or Agent, shall be punished with imprisonment for a term not exceeding two years, or fine, or both, and furthermore shall be liable for such damages as may be obtained against him, on the suit of the party injured, by action in any of the Civil Courts of the Presidency of Fort St. George.

The Governor in Council may transfer the powers of Collector of Customs to any other Officer, and may make rules and appoint Officers to carry this Act into effect, and fix rates of Wharfage and Rent.

LXVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary and to make any rules consistent with law for the carrying of this Act into effect, and to establish such Wharves and appoint such Officers as he shall think fit, and to fix Rates of Wharfage and of Rent to be paid for Goods deposited or suffered to lie in the godowns of the Custom House.

SCHEDULE A.

ACT No. VI OF 1844

SCHEDULE A.

RATES OF DUTY TO BE CHARGED ON GOODS IMPORTED BY SEA INTO ANY PORT OF THE PRESIDENCY OF FORT ST. GEORGE.

No.	Enumeration of Goods.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
1	Bullion and Coin,.....	Free.	Free
2	Precious Stones and Pearls....	Ditto.	Ditto.
3	Grain and Pulse other than Rice and Paddy	Ditto.	Ditto.
4	Rice and Paddy.....	2 Annas per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if imported otherwise than in bags, 1 Anna per Maund.	4 Annas per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if imported otherwise than in bags, 2 Annas per Maund
5	Horses and other living Animals	Free.	Free
6	Ice	Ditto.	Ditto.
7	Coal, Coke, Bricks, Chalk, Stones, (Marble and wrought Stones excepted)	Ditto	Ditto.
8	Books printed in the United Kingdom or in any British Possession	Ditto.	3 per Cent.
9	Foreign Books	3 per Cent.	6 per Cent.
10	Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession	3 per Cent.	6 per Cent.
11	Ditto ditto, the produce or manufacture of any other place or country	6 per Cent.	12 per Cent.
12	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British Possession	3 per Cent.	6 per Cent
13	Metals, ditto ditto, excepting Tin, the produce or manufacture of any other place ..	6 per Cent.	12 per Cent.
14	Tin, the produce of any other place than the United Kingdom or any British Possession	10 per Cent.	20 per Cent.
15	Woollens, the produce or manufacture of the United Kingdom or any British Possession	2 per Cent.	4 per Cent.
16	Ditto, the produce of any other place or country	4 per Cent.	8 per Cent.
17	Cotton Wool, not covered by Certificate of the payment of Export Duty at any other Port of Fort St. George ...	9 As. per Maund of 80 Tolas to the Seer.	1 Rs. 2 As. per Maund of 80 Tolas to the Seer.

No.	Enumeration of Goods.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
18	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession	3½ per Cent.	7 per Cent.
19	Ditto, the produce of any other place	7 per Cent.	14 per Cent.
20	Opium	24 Rs. per Seer of 80 Tolas.	24 Rs. per Seer of 80 Tolas.
21	Salt.....	3 Rs. per Maund of 80 Tolas to the Seer.	3 Rs. per Maund of 80 Tolas to the Seer.
22	Alum.....	10 per Cent.	20 per Cent.
23	Betel Nut, raw.....	5 per Cent.	10 per Cent.
24	Betal Nut, boiled.....	10 per Cent.	20 per Cent.
25	Camphor.....	10 per Cent.	20 per Cent.
26	Cassia	10 per Cent.	20 per Cent.
27	Cloves	10 per Cent.	20 per Cent.
28	Coffee	7½ per Cent.	15 per Cent.
29	Coral.....	10 per Cent.	20 per Cent.
30	Nutmegs and Mace.....	10 per Cent.	20 per Cent.
31	Pepper.....	10 per Cent.	20 per Cent.
32	Rattans.....	7½ per Cent.	15 per Cent.
33	Tea	10 per Cent.	20 per Cent.
34	Vermillion	10 per Cent.	20 per Cent.
35	Wines and Liqueurs	10 per Cent.	20 per Cent.
36	Spirits ..... And the Duty on Spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles 5 quart bottles shall be deemed equal to the Imperial Gallon ..	9 As. per Impl. Gall.	1 Rs. per Impl. Gall.
37	Tobacco	10 per Cent.	20 per Cent.
	All Articles not included in the above enumeration.....	3½ per Cent.	7 per Cent.

And if the Collector of Customs shall see reason to doubt whether the Goods liable to a different rate of Duty according to the place of their production come from the country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of Duty, subject always to an Appeal to the Governor in Council of Fort St. George.

And upon the re-export by Sea of Goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the Continent of India, provided the re-export be made within two years of the date of Import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs there shall be retained one-eighth of the amount of Duty levied, and the remainder shall be repaid as Drawback.

But no Exporter of imported Goods shall be entitled to Drawback, unless the Drawback be claimed at the time of re-export, nor shall any payment be made of Drawback unless the amount claimed be demanded within one year from the date of entry of the Goods for re-export in the Custom House Register.

ACT No. VI. OF 1844.

SCHEDULE B.

RATES OF DUTY TO BE CHARGED ON GOODS EXPORTED BY SEA FROM ANY PORT OR PLACE IN THE PRESIDENCY OF FORT ST. GEORGE.

No.	Enumeration of Goods.	Exported on British Bottoms.	Exported on Foreign Bottoms.
1	Bullion and Coin.....	Free.	Free.
2	Precious Stones and Pearls....	Ditto.	Ditto.
3	Books, Maps and Drawings, printed in India	Ditto.	Ditto.
4	Horses and living Animals	Ditto.	Ditto.
5	Cotton Wool, exported to Europe, the United States of America or any British Possession in America	Ditto.	9 As. per Maund of 80 Tolas to the Seer.
6	Ditto ditto, exported to places other than above	9 As. per Maund of 80 Tolas to the Seer.	1 R 2 As. per Maund of 80 Tolas to the Seer.
7	Sugar and Rum, exported to the United Kingdom, or to any British Possession, not being a British Possession or Settlement on the Continent of India, including Bombay	Free.	3 per Cent.
8	Ditto ditto, exported to any other place including any British Possession or Settlement on the Continent of India, including Bombay ..	3 per Cent.	6 per Cent.
9	Grain and Pulse of all sorts other than Rice and Paddy	1 Anna per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if exported otherwise than in bags ½ an Anna per Maund.	2 As. per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if exported otherwise than in bags 1 Anna per Maund.
10	Rice and Paddy	2 Annas per bag as above, or one Anna per Maund.	4 Annas per bag as above, or 2 Annas per Maund.
11	Indigo	3 Rs. per Maund of 80 Tolas to the Seer.	6 Rs. per Maund of 80 Tolas to the Seer.
12	Salt, having paid the price fixed to be paid on Salt declared for exportation to Ports or Places not being subordinate to the Presidency of Fort St. George ...	Free	Free.
13	Tobacco	10 per Cent.	20 per Cent.
14	Opium, not covered by a Pass	Prohibited	Prohibited.
	All Articles not included in the above enumeration	3 per Cent.	6 per Cent.

And upon the re-export to Europe, the United States of America, or to any British Possession in America, from Madras or from any other Port of the Presidency of Fort St. George, of Cotton that has been imported under Certificate of the payment of the Duty specified in this Schedule, provided that the re-export be made, in British Bottoms within two years from the date of such Certificate, and the amount be claimed within one year from the date of re-export as per Custom House Registers, the whole amount of Export Duty levied at the first place of export, shall be refunded.

SCHEDULE C.

MANIFEST OF GOODS IMPORTED PER
COMMANDER, FROM UNDER COLOR, Viz.

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice Value.			Tariff Value.		
A.	1 @ 5	5 Cases,	250 pieces,	0	0	3000	Cambrics, ...						
							Long Cloths bleached ..						
							Long Cloths unbleached						
							Madapollams bleached ..						
							Ditto, unbleached						
							Plain Muslins ..						

N. B. Articles generally to be specified, excepting such as Ironmongery, Hard Ware, Glass Ware, Earthen Ware, Cutlery, Perfumery, Confectionery, Stationery, and such like. All Articles from Great Britain to be entered according to the English weight, not Native.

From China in like manner, in China weights.

In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

ACT No. VII. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 6th April 1844.

An Act for improving the Law of Evidence.

I. Whereas the enquiry after truth in Her Majesty's Courts of Justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil Cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:

It is hereby enacted, that within the local jurisdiction of Her Majesty's Courts, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any enquiry arising in any suit, action or proceeding, Civil or Criminal, in any of Her Majesty's Courts, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or person having by Law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts to hear, receive and examine evidence, but that every person so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided, that this Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the Landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in the Act of the Government of India XXV. of 1838. Provided, that in any of Her Majesty's Courts sitting in Equity, any defendant to any cause pending in any such Court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matters or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant,

dant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness

II And it is hereby enacted, that nothing in this Act shall apply to, or affect any suit, action, or proceeding, brought or commenced before the passing of this Act

ACT N° VIII OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 9th April 1844.

An Act to authorize the Governments of Fort William in Bengal, Fort St George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.

It is hereby enacted, that whenever any Native Officer or Soldier, or Follower, belong to the Forces of the East India Company, shall be a prisoner in any public prison or other place within the Territories subject to the Government of the said Company under sentence of any Court Martial, it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency, in which such public prison or other place may be situated to give an order in writing to the Gaoler thereof, or other person in charge thereof, Commanding him to deliver up such prisoner to the person producing such order, and such Gaoler or other person shall deliver up such prisoner at any period of his imprisonment to the person producing such order either for his discharge or in order that he may be removed in Military custody to undergo the remainder of his sentence, to such other public prison or such other place as such Governor or Governor in Council (as the case may be) may direct, provided that such other public prison or other place shall be within the Presidency subject to the Government of the Governor or Governor in Council (as the case may be) who shall have given such order, and provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

ACT No. IX. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 13th April, 1844.

An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. It is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all Suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such Suits from the Court in which they may have been instituted, and to try them himself, or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the Suit whenever he may see sufficient reason for so doing.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to the Court of any Zillah or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens shall be empowered to take cognizance of all such Suits as are mentioned in Section I. of this Act, provided the landed or other real property to which the Suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the Suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any Original Suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing Original Suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

V. And it is hereby enacted, that in all Suits which in respect to value are cognizable by a Sudder Ameen, the same Stamps shall be sufficient in any other Court as would have been sufficient in the Court of Sudder Ameen.

ACT No. X. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 11th May, 1844.

An Act to amend the Law respecting the period of the Execution of Persons convicted of the crime of Murder.

Whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, it was amongst other things enacted that every person convicted of Murder should be executed according to Law on the day next but one after that on which the sentence should be passed unless the same should happen to be Sunday and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every Murderer unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time thereby appointed for the execution thereof: and it was by the said Act provided that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof if such Court or Judge should so think fit: and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment, any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects:

I. It is therefore hereby enacted, that from and after the passing of this Act so much of the said Act as is hereinbefore recited shall cease to have effect within the Territories subject to the Government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for murder by any Judge of any of Her Majesty's Courts of Justice within the Territories subject to the Government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences.

ACT No. XI. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th May, 1844.

An Act for the Improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Fort William in Bengal.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort William in Bengal, when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of Business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all Business of what nature or kind soever which the said Supreme Court of Judicature at Fort William in Bengal may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

ACT No. XII. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 25th May, 1844.

An Act for better securing the observance of an Exact Discipline in the Indian Navy.

I. Whereas by an Act of the British Parliament passed in the Session held in the 3d and 4th years of His late Majesty King William the 4th, intituled "An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the 30th day of April 1854"—It is among other things enacted, that the Governor General of India in Council shall have power to make Laws and Regulations for repealing, amending or altering any Laws or Regulations whatever then in force, or thereafter to be in force in the said Territories, or any part thereof, and to make Laws and Regulations for all persons whether British or Native Foreigners, or others, and for all Courts of Justice whether established by His Majesty's Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said Territories, and for all Servants of the said Company within the dominions of Princes and States in alliance with the said Company, save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of Officers and Soldiers, whether in the Service of His Majesty or the said Company, or any provisions of any Act thereafter to be passed in anywise affecting the said Company, or the said Territories or the Inhabitants thereof, or any Laws and Regulations which shall in any way affect any Prerogative of the Crown or the Authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the Sovereignty or Dominion of the said Crown over any part of the said Territories.

And it is thereby provided and enacted, that in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulation by the said Governor General in Council made, then and in every such case upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed. And it is also provided and enacted, that all Laws and Regulations made as aforesaid so long as they shall remain unrepealed shall be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same manner as any Public Act of Parliament would and ought to be taken notice of, and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council. And it

it is hereby also provided and enacted, that it shall not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of death, any of His Majesty's natural born subjects born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And whereas by another Act passed in the Session held in the 3d and 4th years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and soldiers in the Service of the East India Company, and for providing for the observance of Discipline in the Indian Navy, and to amend the Laws for regulating the payment of Regimental Debts and the distribution of the Effects of Officers and Soldiers dying in Service," reciting that the said Company for the safety and protection of the Territories under their Government in addition to their Land Forces maintain a Marine Establishment theretofore called "The Bombay Marine," but then called "The Indian Navy;" and that by an Act passed in the 9th year of the Reign of King George the 4th, intituled "An Act to extend the provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the 4th year of King George the 4th, and that it was expedient that discipline should be enforced in the said Marine Establishment in the manner provided by the said Act of the 4th year of King George the Fourth in respect to the other Forces of the said Company, it is enacted, that the provisions of the said Act of the 4th year of King George the 4th, and the Rules and Articles of War made and to be made by virtue thereof should extend and be applied to the Service of "The Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be Commisioned or in pay as Officers, or enlisted or in pay as Non-Commisioned Officers or Soldiers respectively in the said Company's Army should be to all intents and purposes liable to the provisions of the said Act of the said 4th year of His Majesty King George the Fourth, and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces, and reciting that it is expedient to provide other means for enforcing discipline in the said Marine Establishment called "The Indian Navy," it was amongst other things enacted that for the retaining the Forces of the said Establishment in their duty the Governor General of India in Council should have power to make Laws and Regulations for securing the observance of an exact discipline in the said Service called "The Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the Law will allow all Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the said Marine Establishment who should mutiny, or stir up sedition, or should desert the said Service, or should commit any other offence which in its nature would be cognizable by Court Martial under the now reciting Act, or which might be against good discipline in Naval Service in the same, and as full and ample manner to all intents and purposes as by virtue of the said Act passed in the Session held in the 3d and 4th year of the reign of his late Majesty King William the Fourth, the said Governor General in Council then had power to make any Laws and Regulations whatsoever, any thing in the said last mentioned Act; or any other Act or Acts to the contrary notwithstanding. And it was thereby provided and enacted, that in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made by virtue of the now reciting Act, then and in every such case upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council should forthwith repeal all Laws and Regulations so disallowed. And it was also provided and enacted that all Laws and Regulations made as aforesaid so long as they should remain unrepealed should be of the same

BENGAL SECRETARIAT LIBRARY

same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and should be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

And it was also provided and enacted, that it should not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power should be given to any Court other than the Courts of Justice established by the Charters of the Crown, to sentence to the punishment of death any of Her Majesty's natural born subjects born in Europe or the Children of such subjects.

And it was also provided and enacted, that until the said Governor General in Council should have made Laws and Regulations for the good Government of the said "Indian Navy" by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the Rules and Articles of War to be made by virtue thereof should extend and be applied to the said Marine Establishment called the "Indian Navy," and that all persons in the Service of the said Company belonging to the said Indian Navy who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army should be to all intents and purposes liable to the provisions of the now reciting Act, and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces.

And whereas it is deemed expedient to place the Indian Navy under Articles and Orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several Enactments hereinafter contained, and to all and singular the Laws and Regulations hereby made. Now it is therefore hereby enacted, that from and after the First day of October 1844, the Articles and Orders hereinafter following as well in time of Peace as in time of War shall be duly observed and put in execution in manner hereinafter mentioned.

1. All Captains, Commanders, and Officers, in or belonging to any of the East India Company's Ships or Vessels of War shall cause the public Worship of Almighty God according to the Liturgy of the Church of England established by Law to be solemnly, orderly and reverently performed in their respective Ships, and shall take care that Prayers and Preaching be performed diligently, and that the Lord's Day be observed according to Law.

2. All Officers, Engineers, Soldiers, Marines, Seamen and others belonging to the Indian Navy, being guilty of profane Oaths, Cursing, Execrations, Drunkenness, Uncleanness or other Scandalous Actions, in derogation of God's honor and corruption of good manners shall incur such punishment as a Court Martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

3. If any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy shall give, hold or entertain intelligence to, or with any Enemy or Rebel without leave from the Queen's Majesty, or the Governor General in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized, Commander in Chief or his Commanding Officer, every such person so offending and being thereof convicted by the sentence of a Court Martial shall be punished with

with death, or such other punishment as the nature and degree of the offence may deserve or the Court Martial shall impose.

4. If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy, and the said officer, Engineer, Soldier, Marine, Seaman or other person as aforesaid shall not within twelve hours having opportunity so to do acquaint his Superior Officer, or the Officer Commanding in Chief with it, or if any Superior Officer belonging to the Indian Navy being acquainted therewith shall not in convenient time reveal the same to the Officer Commanding in Chief the Squadron, every such person so offending and being convicted thereof by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

5. All Spies and all persons whatsoever who shall come or be found in the nature of Spies within the Territories under the Government of the East India the Company to bring or deliver any Seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy to betray his trust, being convicted of any such offence by the sentence of a Court Martial, shall be punished with death, or shall suffer such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

6. No person belonging to the Indian Navy shall relieve an Enemy or Rebel, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as a Court Martial shall think fit to impose, and as the nature and degree of the crime shall deserve

7. All the Papers, Charter Parties, Bills of Lading, Passports and other writings whatsoever that shall be taken, seized or found aboard any Ship or Vessel which shall be surprized or taken as prize shall be duly preserved, and the very originals shall by the Commanding Officer of the Ship or Vessel which shall taken such prize, be sent entirely and without fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of and proceeded upon according to Law upon pain that every person offending therein shall forfeit and lose all share of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve and the Court Martial shall impose.

8. No person in or belonging to the Indian Navy shall take out of any Prize, or Ship or Vessel seized for prize, any Money, Plate or Goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's Ships or Vessels of War, or of any of the Ships or Vessel of the Indian Navy, before the same be adjudged lawful prize in some Admiralty or other competent Court, but the full and entire account of the whole without embezzlement shall be brought in and judgment passed entirely upon the whole without fraud, and upon pain that every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a Court Martial, or such Court of Admiralty according to the nature and degree of the offence.

9. If any Ship or Vessel shall be taken as prize, none of the Officers, Mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated upon pain that the person or persons so offending shall be liable to such punishment as a Court Martial shall think fit to inflict.

10. Every

10. Every Superior Officer belonging to the Indian Navy, who upon signal or order of fight, or sight of any Ship or Vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not in his own person and according to his place encourage the inferior Officers and men to fight courageously shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve; and if any person belonging to the Indian Navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

11. Every person belonging to the Indian Navy who shall not duly observe the orders of the Officer Commanding in Chief the Squadron or Division, or other his Superior Officer, for assailing, joining battle with, or making defence against any Fleet, Squadron, or Ship or Vessel, or shall not obey the orders of his Superior Officer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

12. Every person belonging to the Indian Navy who through cowardice, negligence or disaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every Ship and Vessel which it shall be his duty to engage, and to assist and relieve all and every the Ships and Vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

13 Every person belonging to the Indian Navy who through cowardice, negligence or disaffection shall forbear to pursue the chase of any Enemy, Pirate or Rebel, beaten or flying, or shall not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

14. If when action or any service shall be commanded, any person belonging to the Indian Navy shall presume to delay or discourage the said action or service upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

15. Every person in or belonging to the Indian Navy who shall desert to an Enemy, Pirate or Rebel, or run away with any of the Ships or Vessels of War of Her Majesty or of the East India Company, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

16. Every person belonging to the Indian Navy who shall desert or entice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall

shall deserve and a Court Martial shall judge fit; and if any Commanding Officer of any of the East India Company's Ships or Vessels of War shall receive or entertain a deserter from any other Ship or Vessel of Her Majesty or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the Captain of the Ship or Vessel to which such deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Government or to the Officer Commanding in Chief, every person so offending, and being convicted thereof by the sentence of a Court Martial shall be cashiered.

17. The Officers and Seamen of all Ships or Vessels belonging to the Indian Navy, appointed for Convoy and Guard of Merchant Ships or Vessels, or of any other, shall diligently attend upon that charge without delay according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the Ships, Vessels and Goods in their Convoy without either diverting to other parts, or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running away cowardly and submitting the Ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any Ships or Vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners and others, as the Court of Admiralty or other competent Court shall judge; and also be punished criminally according to the quality of their offences; be it by pains of death, or other punishment, according as shall be adjudged fit by a Court Martial.

18. If any Captain, Commander or other Officer of any of the Ships or Vessels of the Indian Navy shall receive on board, or permit to be received on board such Ship or Vessel any Goods or Merchandizes whatsoever, other than for the sole use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be Shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a Court Martial shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a Court Martial shall deem him to deserve; and if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer being in the execution of his office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve.

20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer death, or such other punishment as a Court Martial shall think fit: and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves.

21. If

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground, he shall quietly make the same known to his Superior Officer, or Captain, or Commander-in-Chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said Superior Officer, Captain or Commander in Chief shall as far as he is able cause the same to be presently remedied, and no person belonging to the Indian Navy upon any such or any other pretence shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his Superior Officers, or draw or offer to draw or lift up any weapon against him being in the execution of his office on any pretence whatsoever; Or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such person being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as shall according to the nature and degree of his offence be inflicted upon him by the sentence of a Court Martial.

23. If any person belonging to the Indian Navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall upon being convicted thereof suffer such punishment as the offence shall deserve and a Court Martial shall impose.

24. There shall be no embezzlement nor wasteful expense of any Powder, Shot, Ammunition, or other Stores. But the Stores and Provisions shall be carefully preserved upon pain of such punishment as shall be by a Court Martial found just in that behalf.

25. Every person belonging to the Indian Navy who shall unlawfully burn or set fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Vessel, or tackle or furniture, thereunto belonging, not then appertaining to an Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

26. Care shall be taken in the conducting and steering of any of the Ships or Vessels of the Indian Navy that through wilfulness, negligence or other defaults no Ship or Vessel be stranded or run upon any rocks, or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

27. No person belonging to the Indian Navy shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of death, or such other punishment as a Court Martial shall think fit to impose and as the circumstances of the case shall require.

28 All murders committed by any person belonging to the Indian Navy shall be punished with death by the sentence of a Court Martial.

29. If any person belonging to the Indian Navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

30. All

30. All robbery committed by any person belonging to the Indian Navy shall be punished with death or otherwise as a Court Matial upon consideration of circumstances shall find meet.

31. Every Officer or other person belonging to the Indian Navy who shall knowingly make or sign a false muster or muster book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a Court Martial, be cashiered.

32. No person belonging to the Indian Navy being duly authorized so to do shall refuse to apprehend any criminal whom he shall be authorized by legal Warrant to apprehend, or to receive, or keep any prisoner committed to his charge, or wilfully suffer him to escape being once in his custody, or dismiss him without lawful order upon pain of such punishment as a Court Martial shall deem him to deserve; and all Captains, Officers and others belonging to the Indian Navy shall do their endeavour to detect, apprehend and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein upon pain of being proceeded against and punished by a Court Martial according to the nature and degree of the offence.

33. If any Superior Officer, Captain, or Commander, or Lieutenant belonging to the Indian Navy shall be convicted before a Court Martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner unbecoming the character of an Officer he shall be dismissed from the Indian Navy, or suffer such other punishment as a Court Martial shall deem him to deserve.

34. Every person belonging to the Indian Navy, being in actual service and full pay, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful command, in any part of the Territories under the Government of the East India Company, on shore, when in actual service relative to the Indian Navy, shall be liable to be tried by a Court Martial, and suffer the like punishment for every such offence as if the same had been committed at Sea on board any Ships or Vessels of the Indian Navy.

35. If any person belonging to the Indian Navy, who shall be in actual service and full pay, shall commit upon the shore in any place or places out of the Territories under the Government of East India Company, any of the crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner to all intents and purposes as if the said crimes had been committed at Sea on board any of the Ships or Vessels of the Indian Navy.

II. Provided always, that no person convicted of any offence, shall by the sentence of any Court Martial, to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years.

III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court Martial to be constituted by virtue of this Act to proceed to the punishment or trial of any of the offences specified in the several articles contained in this act or of any offence whatsoever (other than the offences specified in the 5th, 34th and 35th of the foregoing Articles and Orders), which shall not be committed upon the Main Sea or in Great Rivers only beneath the Bridges of the said Rivers nigh to the Sea, or any Haven, River, or creek within the jurisdiction of the Admiralty, and which shall not be committed by such persons as at the time of the offence committed shall be in actual service and full pay in the Indian Navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing Articles and Orders.

IV. Provided

IV. Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any Court Martial to be constituted by virtue of this Act, to proceed to the punishment or trial of any Land Officer, or Soldier, on board any Transport Ship, for any of the offences specified in the several Articles contained in this Act.

V. And it is hereby further enacted, that the Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant Commissions to any Officer Commanding in Chief, any Fleet or Squadron of Ships or Vessels of War, to call and assemble Courts Martial, consisting of Captains, Commanders and Lieutenants; and that in case any Officer Commanding in Chief any Fleet or Squadron of Ships or Vessels of War, (who shall be authorized by the Governor General or Governor in Council for the time being, to call and assemble Courts Martial in Foreign parts,) shall happen to die, or be recalled or removed from his command, then the Officer upon whom the command of the said Fleet or Squadron shall devolve, not under the rank of Commander, and so from time to time the Officer not under the rank of Commander, who shall have the command of the said Fleet or Squadron, shall have the same power to call and assemble Courts Martial as the first Commander-in-Chief of the said Fleet or Squadron was invested with.

VI. Provided always, and it is hereby enacted, that no Commander-in-Chief of any Fleet or Squadron of the Indian Navy or Detachment thereof, consisting of more than five Ships or Vessels, shall preside at any Court Martial, but that the Officer next in Command to such Officer Commanding in Chief shall hold such Court Martial and preside thereat, any Law, Custom or Usage to the contrary notwithstanding.

VII. And it is hereby further enacted, that if any three or more of the Ships or Vessels of the Indian Navy shall happen to meet together in Foreign parts, then and in such case it shall be lawful for the Senior Officer of the said Ships or Vessels, not under the rank of Commander, to hold Courts Martial and preside thereat from time to time as there shall be occasion during so long time as the said Ships or Vessels of the Indian Navy, or any three or more of them shall continue together.

VIII. Provided nevertheless and it is also enacted, that where any material objection occurs which may render it improper for the person who is next in Command to the Senior Officer or Commander-in-Chief of any Fleet or Squadron of the Ships of the Indian Navy in Foreign parts, to hold Courts Martial or preside thereat, in such case it shall be lawful for the said Governor-General or Governor in Council, as also the Commander in Chief of any such Squadron of the Ships or Vessels of the Indian Navy in Foreign parts respectively, to appoint the third Officer in Command to preside at or hold such Court Martial.

IX. And it is hereby further enacted, that no Court Martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such Superior Officers, Captains, Commanders or Lieutenants, then and there present as are next in seniority to the Officer who presides at the Court Martial, such Lieutenants not to exceed two-fifths of the whole Court. Provided always, and it is hereby enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Governor-General, or Governor in Council, (as the case may be) or any Officer empowered to order or hold Courts Martial to direct or ascertain the particular number of persons of which any Court Martial to be held or appointed by virtue of this Act shall consist.

X. And it is hereby further enacted, that upon all trials of offenders by any Court Martial all the Officers present, who are to constitute the said Court Martial, shall before

before they proceed to such trial take such oath as is hereinafter mentioned upon the Holy Evangelists before the Court, which oath the Judge Advocate or his Deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)

I, A B, do swear that I will administer justice according to the Articles and Orders established by an Act passed for the better securing the Observance of an exact Discipline in the Indian Navy, without partiality, favor or affection, and if any case shall arise, which is not particularly mentioned in the said Articles and Orders, I will duly administer justice according to my conscience and the best of my understanding. And I do further swear that I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular Member of this Court Martial unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

And so soon as the said oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an Oath in the following words:

I, A B, do swear that I will not upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial unless thereunto required by an Act of the Governor General of India in Council.

So held me God.

XI And it is hereby further enacted, that in case any person in the Indian Navy being called upon to give evidence at any Court Martial shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the Court, it shall and may be lawful for such Court Martial to punish every such offender by imprisonment at the discretion of the Court; such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt, and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such Court Martial, or who shall corruptly procure or suborn any person to commit such wilful perjury shall and may be prosecuted in Her Majesty's Courts by Indictment or Information, and every issue joined in any such Indictment or information shall be tried according to the Laws in force in such cases.

XII. And it is further enacted, that in every Information or Indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant without setting forth the Commission or Authority for holding the Court Martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court.

XIII. And it is hereby further enacted, that no sentence of death given by any Court Martial shall be put in execution till after the Report of the procedings of the said Court shall have been made to the said Governor General in Council and his directions shall have been given therein.

XIV. And it is further enacted, that the Judge Advocate for the time being, or his Deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by Court Martial, and in the absence of the Judge Advocate and his Deputy the Court Martial shall have full power and authority to appoint any person to execute the office of Judge Advocate.

XV. And

XV. And it is further enacted, that all the powers given by the several Articles and Orders established by this Act shall remain and be in full force with respect to the Crews of such of the Ships or Vessels of the Indian Navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the Officers of the said Ships or Vessels shall remain and be in full force as effectually as if such Ships or Vessels to which they did belong were not so wrecked, lost or destroyed until they shall be regularly discharged from the East India Company's further Service, or remove into some other of the Ships or Vessels of the Indian Navy, or until a Court Martial shall be held to enquire into the causes of the loss of the said Ships or Vessels; and if upon such enquiry it shall appear by the sentence of the Court Martial that all or any of the Officers or Seamen of the said Ships or Vessels did their utmost to preserve, get off or recover the same, and since the loss thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, then all the pay and wages of the said Officers and Seaman, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such Court Martial, or removal into some other of the Ships or Vessels of the Indian Navy, and every such Officer and Seamen of the Ships or Vessels of the Indian Navy who after the wreck or loss of his Ship or Vessel shall act contrary to the Discipline of the Indian Navy, and the several Articles and Orders hereinbefore established, or any of them, shall be sentenced by the said Court Martial and punished as if the Ship or Vessel to which he did belong was not so wrecked, lost or destroyed.

XVI. And it is further enacted, that all the pay and wages of such Officers and Seamen of any of the Ships or Vessels of the Indian Navy as are taken by the Enemy, who upon enquiry at a Court Martial shall appear by the sentence of the said Court to have done the utmost to defend the said Ships or Vessels, and since the taking thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such Court Martial, or until they shall be regularly discharged from the East India Company's Service, or removed into some other of the Ships or Vessels of the Indian Navy, or if they shall die in captivity or not live to the time of the holding of such Court Martial to the time of their death in such manner and not otherwise, as if the said Ships or Vessels to which they did belong respectively were not so taken.

XVII. Provided always, and it is further enacted, that no person or persons not flying from justice shall be tried or punished by any Court Martial for any offence to be committed against this Act, unless the complaint of such offence be made in writing to the Governor-General in Council or Governor in Council, or some Officer empowered to order a Court Martial, or unless a Court Martial to try such offender shall be ordered by the said Governor-General or Governor in Council, or such Officer either within three years after such offence shall be committed, or within one year after the return of the Ship or Vessel or of the Squadron to which such offender shall belong into any of the Ports in the East Indies, or within one year after the return of such offender into the East Indies.

XVIII. Provided always, that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the office of the Lord High Admiral of Great Britian, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction or authority within any of the Queen's Dominions, or from any person or Court whatsoever, any power, right, jurisdiction, pre-eminence

pre-eminence or authority which he or they, or any of them lawfully hath, have or had, or ought to have or enjoy before the making of this Act, so as the same person shall not be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any Court Martial shall not be delayed by the absence of any of its Members, provided a sufficient number doth remain to compose such Court, which shall and is hereby required to sit from day to day, (Sundays always excepted,) until the sentence be given, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding; and no Member of the said Court Martial shall absent himself from the said Court during the whole course of the trial upon pain of being cashiered from the East India Company's Service, except in case of sickness, other extraordinary and indispensable occasion to be judged of by the said Court.

ACT No. XIII. OF 1844.

Passed by the Governor General of India in Council on the 15th June, 1844.

An Act for making Trisoolee Pyce no longer a legal tender within the Province of Benares, and for their withdrawal from circulation.

It is hereby enacted, that from and after the First day of August 1844, the Trisoolee Pyce struck for the Province of Benares, under the Provisions of Regulations X. of 1809 and VII. of 1814, and at the Saugor Mint, shall cease to be a legal tender within the Province of Benares.

II. And it is hereby enacted, that until the said First day of August 1844, such Trisoolee Pyce shall be received on account of the Government and shall be exchanged by tale (that is to say, every Trisoolee Pyce paid in shall be received as one Company's Pyce, and one Company's Pyce shall be given for every Trisoolee Pyce presented for exchange) at such Treasuries or other places within the Province of Benares as shall be pointed out for that purpose in any Proclamation of the Lieutenant Governor of the North Western Provinces.

III. And it is hereby enacted, that immediately after the passing of this Act, the said Lieutenant Governor shall issue a Proclamation pointing out the Treasuries or other Places within the Province of Benares at which such Trisoolee Pyce shall be so received and exchanged as aforesaid, and notifying any Regulations respecting such receipt or exchange as the said Lieutenant Governor may deem it expedient to establish for the carrying into effect of the same, for the prevention of fraud therein, and especially for the rejection of such Trisoolee Pyce as may appear to the Officer appointed to receive or exchange the same under this Act, to be undoubtedly spurious.

IV. And it his hereby enacted, that it shall be lawful for the said Lieutenant Governor, if he shall see fit, to order that in any case one Company's Rupee shall be given for every 64 Trisoolee Pyce so presented for exchange, and that in every such case one Company's Rupee shall be given for every 64 Trisoolee Pyce accordingly.

ACT No. XIV. OF 1844.

Passed by the Governor General of India in Council on the 6th July, 1844.

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to Sentences of transportation for life.

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, whenever any of the Sudder Court shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond Sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

II. And it is hereby enacted, that within the said Territories whenever any offender shall have been sentenced in the first intance by a Commissioner of Circuit or Sessions Judge to imprisonment for life, or whenever a Commissioner of Circuit or Sessions Judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent to a single Judge of the Sudder Court to sentence such offender, at the same time to transportation beyond Sea for life, and such single Judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life unless there should be special reasons inducing him to think such offender not a proper subject for transportation, which special reasons he is hereby further directed to record.

ACT No. XV. OF 1844.

Passed by the Governor General of India in Council on the 6th July, 1844.

An Act for amending the Schedules of Import Duties annexed to Act XIV of 1836, to Act I. of 1838, and to Act VI. of 1844.

Whereas by Article 17 of Schedule A annexed to Act No. XIV. of 1836, by Article 18 of Schedule A annexed to Act No. I. of 1838, and by Article XIX. of Schedule A annexed to Act No. VI. of 1844, certain rates of Duty are to be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Bombay and Madras, of Cotton and Silk Piece Goods, the produce of any place other than the United Kingdom or any British Possession. And whereas it is expedient that the same rates of Duties should be charged on other Foreign Goods of a like description—

It is hereby enacted, that from and after the First day of January 1845, the rates of Duty prescribed for the said Articles by the said Schedules, shall be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Madras and Bombay, of all manufactures of Silk or Cotton, and of Silk and Cotton mixed with any other material, which are the produce of any place other than the United Kingdom or any British Possession, and of all foreign made up Articles of the said manufactures, or of which any part of the materials is of the said manufactures.

ACT No. XVI. OF 1844.

Passed by the Governor General of India in Council on the 27th July, 1844.

An Act for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the Territories subject to the Government of the Presidency of Bombay.

Whereas by Act VI. of 1844 all Inland, Transit and Town Duties levied on behalf of the Government of the East India Company, within the limits of the Territories subordinate to the Presidency of Fort St. George were abolished, and the impost on Salt manufactured and sold within the said territories was raised to a rate more in accordance with the Tax on the same article borne by other Divisions of the British Possessions: and whereas, although enquiries which have been instituted as to the origin and extent of certain Town duties and local cesses within the Presidency of Bombay with a view to their abolition have not yet been completed, it is nevertheless expedient in order to equalize the average prices of Salt within the Presidencies of Fort St. George and Bombay to increase as well the Customs duty on imported Salt as the Excise duty heretofore and at present payable on Salt that may be delivered from any Salt Work within the territories subject to the Government of the Presidency of Bombay:

I. It is hereby enacted, that from the First day of September 1844, Section I of Act XXVII. of 1837, shall be repealed.

II. And it is hereby enacted, that from the First day of September 1844, there shall be paid to the Government on every Maund of 3,200 Tolas weight of Salt that may be delivered from any Salt Work within the Territories subject to the Government of the Presidency of Bombay a duty of One Company's Rupee.

III. And it is hereby enacted, that Section XLIII. Act I. of 1838 shall be repealed.

IV. And it is hereby enacted, that on application by the Exporter from any Port of the Presidency of Bombay of any Salt that has paid the Excise duty fixed by Sec. II. of this Act, a Certificate shall be granted by the Collector of Customs at the place of Export, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other Port of the said Presidency of Bombay, and shall be passed from such Port into the interior under cover of the passes applicable to the free passage of Salt without the levy of any further duty either of Excise or Customs.

V. And it is hereby enacted, that so much of Schedule A appended to Act I of 1838 as provides that on Salt imported by Sea into any Port of the Presidency of Bombay and not covered by a Pass, there shall be levied a duty of Eight Annas per maund of 80 tolahs

tolas per seer, and so much of Schedule B appended to Act I. of 1838 as provides that Salt having paid the Excise duty of Eight Annas a maund shall be permitted to be Exported free of duty from any Port or place in the Presidency of Bombay, shall be repealed.

VI And it is hereby enacted, that on Salt imported by Sea into any Port of the Presidency of Bombay, and not covered by a Pass, there shall be levied a duty of One Company's Rupee per maund of 3,200 tolas weight, and that Salt having paid the Excise duty of One Company's Rupee per maund shall be permitted to be exported free from further duty from any Port of the Presidency of Bombay.

ACT No. XVII. OF 1844.

Passed by the Governor General of India in Council on the 10th August, 1844.

An Act for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government.

I. It is hereby enacted, that from and after the First day of October 1844 the Administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within that portion of the lapsed Territory of Colaba, which is bounded on the East by the Nagotna River, and the Talookas of Sunkse and Rujpooree, on the South by the Rewodunda River, on the West by the Sea, including the Islands of Colaba, Oonderee and Khanderee, (Henery and Kenery) and on the North by the Harbour of Bombay, shall vest in such Agent to the Governor of the Presidency of Bombay as shall be appointed by the Governor in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, by an Order in Council, to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil Suits shall be final, and in what Suits an Appeal shall lie to the Sudder Udawlut, and to define the authority to be exercised by the Agent in Criminal Trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

III. And it is hereby enacted, that upon the receipt of any Criminal Trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Udawlut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner, as if the trial had been sent up in ordinary course from a Sessions Judge.

IV. And it is hereby enacted that upon the receipt of any Appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Udawlut shall proceed to try and determine it in the same manner as Appeals from the Zillah Courts.

V. And it is hereby enacted, that each of the portions of the lapsed Territory of Colaba not included within the boundaries specified in Section I. of this Act, shall be subject to the same Laws and Regulations, and shall be governed in all respects in the same manner as the portions of the Territories subject to the Government of Bombay, by which such portions of the said lapsed Territory may be respectively surrounded, or to which such portions of the said lapsed Territory may be respectively contiguous.

ACT No. XVIII. OF 1844.

Passed by the Governor General of India in Council on the 7th September, 1844.

An Act for the better control and management of Jails within the Bengal Presidency.

I. It is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with controul and superintendence over the several Jails of the Presidency of Fort William in Bengal, the Prisoners confined in them, the Establishments there unto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said controul and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

ACT No. XIX. OF 1844.

Passed by the Governor General of India in Council on the 14th September, 1844.

An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions within the Presidency of Bombay.

It is hereby enacted, that from the 1st day of October 1844, all Town Duties, Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades or Professions under whatsoever name levied within the Presidency of Bombay, and not forming a part of the Land Revenue, shall be abolished.

ACT No. XX. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th October, 1844.

An Act to amend the Law relating to Advances bona fide made to Agents intrusted with Goods by extending to the Territories of the East India Company in Cases governed by English Law, the Provisions of the Statute 5 and 6 Victoria C. 39, as altered by this Act.

Whereas by Act XIII. of 1840 the Provisions of the Statute 4, Geo. IV. C. 83, as altered and amended by the Statute 6, Geo. IV. C. 94, were extended to the Territories of the East India Company, in cases governed by English Law; and whereas by the Statute 5 and 6, Victoria C. 39, the said Statute 6, Geo. IV. C. 94, is altered and amended, and the Provisions thereof are extended:

It is hereby enacted, that the Statute 5 and 6, Victoria C. 39, as altered by this Act, shall from and after the passing of this Act, be extended to the Territories of the East India Company; provided always, that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the last mentioned Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company and as altered by this Act, is as follows:

5 and 6 Vict. Cap. XXXIX as altered by this Act.

An Act to amend the Law relating to Advances bona fide made to Agents intrusted with Goods.

Whereas by an Act passed in the 6th year of the Reign of His late Majesty King George the Fourth, intituled an Act to alter and amend an Act for the better protection of the property of Merchants and others who may hereafter enter into contracts or agreements in relation to Goods, Wares and Merchandize intrusted to Factors or Agents, validity is given, under certain circumstances, to contracts or agreements made with persons intrusted with, and in possession of the Documents of Title to Goods and Merchandize, and Consignees, making Advances to persons abroad who are intrusted with any Goods and Merchandize, are entitled, under certain circumstances, to 6 G. 4, C 94

to a

to a lien thereon, but under the said Act, and the present state of the Law, Advances cannot safely be made upon Goods or Documents to persons known to have possession thereof as Agents only: And whereas by the said Act it is amongst other things further enacted, "that it shall be lawful to and for any person to contract with any Agent intrusted with any Goods, or to whom the same may be consigned for the purchase of any such Goods, and to receive the same of and to pay for the same to such Agent, and such contract and payment shall be binding upon and good against the Owner of such Goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made, is an Agent; provided such contract or payment be made in the usual and ordinary course of business, and that such person shall not when such contract is entered into or payment made, have notice that such Agent is not authorized to sell the same, or to receive the said Purchase Money;" And whereas Advances on the Security of Goods and Merchandize have become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to bona fide Advances upon Goods and Merchandize as by the said recited Act is given to Sales, and that Owners intrusting Agents with the possession of Goods and Merchandize, or of Documents of Title thereto, should in all cases where such Owners by the said recited Act or otherwise would be bound by a contract or agreement of Sale be in like manner bound by any contract or agreement of pledge or lien for any Advances bonâ fide made on the Security thereof. And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect Exchanges of Securities bona fide made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same and to extend the Provisions thereof and to put the Law on a clear and certain basis. Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act any Agent who shall thereafter be intrusted with the possession of Goods, or of the Documents of Title to Goods shall be deemed and taken to be Owner of such Goods and Documents so far as to give validity to any contract or agreement by way of pledge, lien, or security bona fide made by any person with such Agent so intrusted as aforesaid as well for any original Loan, Advance or Payment made upon the Security of such Goods or Documents, as also for any further or continuing Advance in respect thereof, and such contract or agreement shall be binding upon and good against the Owner of such Goods, and all other persons interested therein notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an Agent.

Bona fide Advances to Persons intrusted with the possession of Goods or Documents of Title though known to be Agents, protected

Bona fide Deposits in exchange protected;

II. And be it enacted, that where any such contract or agreement for pledge, lien or security shall be made in consideration of the delivery or transfer to such Agent of any other Goods or Merchandize, or Document of Title or Negotiable Security upon which the person so delivering up the same had at the time a valid and available Lien and Security for or in respect of a previous Advance by virtue of

of some contract or agreement made with such Agent, such contract and agreement, if bonâ fide on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an Advance within the true intent and meaning of this Act, and shall be as valid and effectual to all intents and purposes, and to the same extent, as if the consideration for the same had been a bonâ fide present Advance of money. Provided always that the Lien acquired under such last mentioned contract or agreement upon the Goods or Documents deposited in exchange shall not exceed the value at the time of the Goods and Merchandize which, or the Documents of Title to which, or the Negotiable Security which shall be delivered up and exchanged.

but no Lien beyond the value of the Goods given up

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such Loans, Advances, and Exchanges, as shall be made bonâ fide and without notice that the Agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting malâ fide in respect thereof against the Owner of such Goods and Merchandize; and nothing herein contained shall be construed to extend to or protect any Lien or Pledge for or in respect of any antecedent debt, owing from any Agent to any person with or to whom such Lien or Pledge shall be given, nor to authorize any Agent intrusted as aforesaid in deviating from any express orders or authority received from the Owner; but that, for the purpose and to the intent of protecting all such bonâ fide Loans, Advances and Exchanges as aforesaid (though made with notice of such Agent not being the Owner but without any notice of the Agents acting without authority) and to no further, or other intent or purpose, such contract or agreement as aforesaid shall be binding on the Owner and all other persons interested in such Goods.

But the Statute to be construed to protect only Transactions bonâ fide without notice that the Agent pledging is acting without authority or malâ fide against the owner

IV. And be it enacted, that any Bill of Lading, India Warrant, Dock Warrant, Warehouse-keeper's Certificate, Warrant, or order for the delivery of Goods, or any other Document used in the ordinary course of business as proof of the possession or control of Goods, or authorising or purporting to authorize, either by indorsement or by delivery, the Possessor of such Document to transfer to receive Goods thereby represented shall be deemed and taken to be a document of Title within the meaning of this Act; and any Agent instrusted as aforesaid and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods, or obtained by reason of such Agents having been intrusted with the possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the possession of the Goods represented by such Document of Title as aforesaid, and all contracts, pledging or giving a lien upon such Document of Title as aforesaid shall be deemed and taken to be respectively Pledges of and Liens upon the Goods to which the same relates, and such Agent shall be deemed to be possessed of such Goods or Ducuments, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf, and where any Loan or Advance shall be bonâ fide made to any Agent intrusted with and in possession of any such Goods or Documents of Title as aforesaid

Meaning of the term "Document of Title"

And when Agent intrusted

And when in possession

aforesaid on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid, and such Goods or Documents of Title shall actually be received by the person making such Loan or Advance, without notice that such Agent was not authorized to make such Pledge or Security every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the Security of such Goods or Documents or Title within the meaning of this Act, though such Goods or Documents of Title shall not actually be received by the person making such Loan or Advance till the period subsequent thereto, and any contract or agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other person on his behalf, shall be deemed a contract or agreement with such Agent; and any payment made, whether by Money or Bills of Exchange, or other Negotiable Security shall be deemed and taken to be an Advance within the meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken for the purposes of this Act, to have been intrusted therewith by the Owner thereof unless the contrary can be shewn in evidence.

What to be deemed a "Contract or Agreement" and "Advance"

Possession prima facie Evidence of intrusting.

Agent's Civil responsibility not to be diminished

V. Provided always, and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the Civil responsibility of an Agent for any breach of duty or contract, or non-fulfilment of his orders or authority in respect of any such Contract, Agreement, Lien, or Pledge as aforesaid.

Agent making Consignments contrary to instruction of principal guilty of misdemeanor.

VI. Provided always, and be it enacted, that if any Agent intrusted as aforesaid shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a Pledge, Lien, or Security; or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any Advance on the faith of any contract or agreement to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid; every such Agent shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and every Clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court shall award, as herein before last mentioned: Provided nevertheless, that no such Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer or delivery was justly due and owing to such Agent from his principal, together with the amount of any Bills of Exchange drawn by or on account of such principal, and accepted by such Agent. Provided also, that the conviction of any such Agent so convicted as aforesaid shall

shall not be received in evidence in any action at Law or Suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence have disclosed such act, on oath, in consquence of any compulsory process of any Court of Law or Equity in any action, suit, or proceeding which shall have been bonâ fide instituted by any party agrieved, or if he shall have disclosed the same in any examination or deposition before any commissioner of Bankrupt or of any Insolvent Court.

Right of Owner to redeem,

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such Owner as aforesaid from having the right to redeem such Goods or Documents of Title, pledged as aforesaid, at any time before such Goods shall have been sold, upon re-payment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such Agent, if by him required, of any sum of money for or in respect of which such Agent would by law be entitled to retain the same Goods or Documents, or any of them, by way of lien as against such Owner, or to prevent the said Owner from recovering of and from such person with whom any such Goods or Document may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such Goods after deducting the amount of the lien of such person under such contract or agreement as aforesaid: Provided always that in case of the Bankruptcy or Insolvency of any such Agent, the Owner of the Goods which shall have been so redeemed by such Owner as aforesaid, shall in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum or the use of such Agent before his Bankruptcy or Insolvency, or in case the Goods shall not be so redeemed, the Owner shall be deemed a creditor of such Agent for the value of the Goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled in either of such cases to prove for or set off the sum so paid, or the value of such Goods, as the case may be.

Or to recover balance of proceeds

In case of Bankruptcy Owner to prove for amount paid to redeem, or for value of Goods, if unredeemed.

Interpretation of Act.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual, and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and vice versâ; and words used in the masculine gender shall, when required, be taken to apply to female as well as male.

Not to affect any Contract made before the passing of this Act

IX. Provided also, and be it enacted, that nothing herein contained shall be construed to give validity to or in any wise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passing of this Act.

ACT No. XXI. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 16th November, 1844.

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana and Trinidad.

I. It is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby so far as the same are applicable to the Emigration of Natives from the Ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana, and Trinidad, respectively, are repealed. Provided always that the aforesaid Act No. XIV. of 1839 shall remain in full force in all the Ports of India, except the Ports aforesaid, and in regard to Emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius.

II. And it is hereby enacted, that after the passing of this Act, Emigrant Laborers, being Native inhabitants of the Territories under the Government of East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana, and Trinidad respectively, from the Ports of Calcutta, Madras and Bombay respectively, but not otherwise.

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make Monthly Reports to the Government to which he is subordinate of all matters transacted by him in purusance of this Act.

IV. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to nominate a proper person to act as Protector of Emigrants at the aforesaid Ports respectively.

V. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of labouring for hire in any of the Colonies of Jamaica, British Guiana or Trinidad from any of the Ports aforesaid in any Ship or Vessel unless a licence be obtained for carrying Emigrants in such Ship or Vessel from the Government of the Presidency in which the Port is situated. A fee not exceeding One Rupee per Emigrant as may be regulated from time to time by the local Government, shall be demandable in respect of every such licence, which fee shall be carried to the credit of the said Government, and the granting or withholding any

any such licence shall be entirely discretionary with the Government, and in consideration of such licence the Master of every Ship conveying or destined to convey Emigrants from India shall execute a Bond binding himself and his Owners in a penal sum of 10,000 Rupees to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a licence being obtained as aforesaid shall be liable to be forfeited and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

VI. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licensed as above to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the Port, countersigned by the Protector, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness to proceed to work for hire in the Colony to which such Vessel is bound and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

VII. And its is hereby enacted, that before any Ship or Vessel so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any one of the three Colonies aforesaid, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid, shall embark therein to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a certificate under the hand of such Agent to the effect following, that is to say—

1st. That such Agent has by personal communication done what is required on the part of such Agent by the 3d Article of the Schedule hereunto annexed, provided always that every such Agent shall make the inquiries specified in such Schedule in an open Court or public office to which all persons shall have admission.

2dly. That all the directions contained in the 4th, 5th, 6th, and 7th Articles of the said Schedule for ensuring the health and safety of Passengers have been duly complied with.

3dly. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council shall from time to time frame touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the Ports aforesaid respectively shall for the purposes of this Act be deemed to be

For the Port of Calcutta twenty weeks;
For the Port of Madras nineteen weeks;
For the Port of Bombay nineteen weeks;

and that no Ship or Vessel carrying Emigrant laborers to Jamaica, British Guiana or Trinidad shall sail from Calcutta, Madras or Bombay; at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing.

IX. And

IX. And it is hereby enacted, that before any Ship or Vessel shall be cleared out from any of the aforesaid Ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such Port as aforesaid the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the Ports aforesaid take on board such Ship or Vessel any Emigrant laborer of the description aforesaid, and shall clear such Ship or Vessel for Jamaica, British Guiana or Trinidad without having fully complied with every particular hereinbefore required previous to clearance he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty of 200 Rupees for every Emigrant laborer so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if the Master of any Ship or Vessel shall after having cleared such Ship or Vessel at any such Port as aforesaid for Jamaica, British Guiana or Trinidad take on board any such Emigrant laborer as aforesaid without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant prior to clearance, he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty not exceeding 500 Rupees for every Emigrant so taken on board his Ship or Vessel.

XII. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such Certificate as aforesaid fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to the altered state of the Ship or Vessel, its Passengers or other matters to which such Certificate relates, such Master shall be liable on conviction in any Penalty not exceeding 5000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any licence obtained for the Vessel as originally described.

XIII. And it is hereby enacted, for the greater security against Emigrant laborers being embarked for Jamaica, British Guiana or Trinidad, contrary to the provisions of this Act that all the powers vested by law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for Jamaica, British Guiana or Trinidad, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIV. And it is hereby enacted, that every person who shall attempt by means of intoxication or by false imprisonment, or other means of crimping to export any Native on board any Ship or Vessel contrary to the provisions of this Act shall be liable to be punished on conviction before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad with Emigrant laborers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board such Vessel, by every such Emigrant laborer, and shall keep a Register of every

every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads and shall not come away until a muster of the Crew and Passengers and Emigrant laborers has been made in his presence and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster and quitted the Vessel the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act, and it shall be lawful for him if he shall deem it necessary to require the Master or Commander to take a general muster of the Crew and Passengers and Emigrant laborers on board and to sign a muster roll so taken, and every such Custom House Officer and Pilot shall make a complete report of the Emigrant laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration that to the best of the Declarant's belief, no additional Emigrant laborers have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the Emigrant laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XVI. And it is hereby enacted, that if any person shall forge or shall use, knowing it to be forged, any document required by this Act such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the Masters of Ships or Vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the master, if such Bond has been given in consideration of the licence granted to the Ship.

SCHEDULE.

1. The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit to act as Emigration Agents at Calcutta, Madras and Bombay.

2. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent by him but shall be in the nature of an Annual Salary.

3. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the Port or Place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark; and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such

such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4. It shall not be lawful to ship on board of any Ship or Vessel carrying Emigrants from India to any of the Colonies aforesaid, any number of Passengers exceeding the proportion of one person for every two tons of the registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such Ship or Vessel shall have only one deck, a platform shall be laid beneath such deck and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such voyage to any of the Colonies aforesaid unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier thoughout the whole extent thereof; and whatever may be the tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of Passengers within the meaning of these Regulations, two Children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

6. There shall be actually laden on board of every Ship or Vessel, conveying Emigrants into any of the Colonies aforesaid at the time of depature of such Ship or Vessel from the Port or Place at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said Passengers over and above the victualling of the Crew, to the amount or in the proportion following, that is to say, a supply of Water to the amount of five gallons for every week of the computed Voyage for every Passenger on board such Ship or Vessel such Water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such Passenger; provided always that when any such Ship or Vessel shall be destined to call at a Port or Place in the course of her voyage, for the purpose of filling up her Water Casks, a supply of Water at the rate beforementioned for every week of an average voyage to such Port or Place of calling, shall be deemed to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear, that by the special authority of the Governor General of India in Council any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7. Before any such Ship or Vessel shall be cleared out on any such Voyage, the Agent appointed for the Port or Place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the Provisions and Water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of Water and Stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed sea-worthy and that the directions hereinbefore contained for ensuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

8. The

8. The Master of every Ship or Vessel conveying Emigrants to Jamaica, British Guiana or Trinidad shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome Provisions for his, her and their daily maintenance during such voyage and during the space of 48 hours next after the arrival of such Ship or Vessel at the place of destination.

9. Two copies of these Regulations, authenticated by the signature of the Agent at the Port or Place at which such Emigrants shall embark, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at the reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

10. The Master of every Ship or Vessel carrying Emigrants from India to any of the three Colonies aforesaid, shall before clearing out such Ship or Vessel, deliver to such Agent at the Port or Place from which such Vessel is cleared out, a list in writing, together with a duplicate of the same, specifying as accurately as may be, the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at the place of destination, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the protector of Immigrants appointed or to be appointed at the Colony at which the said Ship or Vessel may have arrived.

11. Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

ACT No. XXII. OF 1844.

Passed by the Governor General of India in Council on the 28th December, 1844.

An Act for regulating the Copper Coinage of the Mints in the Territories of the East India Company.

I. It is hereby enacted, that from and after the passing of this Act the following Copper Coins only shall be issued from any Mint within the Teritories of the East India Company:

1	A Pice Weighing	100	Grains	Troy.
2	A Double Pice	200	,,	do.
3	A Pie of one Twelfth of an Anna Piece ..	$33\frac{1}{3}$	,,	do.

With such devices as shall be fixed for the same by the Governor General in Council.

II. And it is hereby enacted, that from and after the passing of this Act the said Pice shall be a legal tender throughout the Territories of the East India Company for $\frac{1}{64}$ of the Company's Rupee, and the said double Pice for $\frac{1}{32}$ of the Company's Rupee, and the said Pie for $\frac{1}{192}$ of the Company's Rupee.

III. And it is hereby enacted, that all Copper Coins of the weight specified in Section I. of this Act which may have been issued since the passing of Act XXI. of 1835, from any Mint within the Presidency of Bombay, shall be legal tender respectively for the value specified in Section II. of this Act within that Presidency.

IV. Provided always, that none of the said Copper Coins shall be legal tender except for fractions of a Rupee.

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1840.

	Act.	Section.	Clause.
Abkaree Revenue—Arrangements for the better protection of the—Degree of authority vested in the Commissioner or Commissioners that may be appointed by the Governor of Bengal or Lieutenant Governor of the N. W. Provinces, ...	XXV.	I.	
„ Appointment of Superintendants who shall be subordinate to the Commissioners—Degree of authority to be exercised by them,	„	II.	
„ Governor of Bengal competent to vest Superintendants with the power of adjudicating cases of contravention of the Abkaree Laws and of fining to the extent of 200 Rupees, ...	„	III.	
„ Superintendant's Warrant shall be authority for the levying of any fine imposed or of imprisonment—the Commissioner or the Board of Customs, Salt and Opium, being competent, upon appeal, to revise proceedings and reverse judgment, ...	„	IV.	
„ Premises of persons suspected of being engaged without License in the manufacture of Fermented or Spirituous Liquors or other intoxicating drugs, and of illicitly trafficking in such articles, liable to search and their persons to arrest, ...	„	V.	
„ Penalty to which persons obstructing by violence the lawful arrest by an Officer duly authorized to seize illicit stills, &c. or otherwise resisting the execution of legal process, shall be subject,.....	„	VI.	

	Act.	Section.	Clause.
	1840.		
Abkaree Revenue—Penalty to which false informers are liable, ...	XXV.	VII.	
„ Officers of the Department after arresting any person charged with an infraction of the Abkaree Laws required within 24 hours to report the transaction to their official superiors, ...	„	VIII.	
„ The Officer arresting bound to carry the party arrested to such authority as shall be competent to try the case,.....	„	IX.	
„ Any infringement of the two preceding Clauses shall subject the Officer so acting to dismissal from his situation besides fine or imprisonment, ...	„	X.	
„ Officers empowered to enter and inspect, at any time, the shops, &c. of Licensed Abkars, to see that nothing is going on in contravention of the Abkaree Laws,.....	„	XI.	
„ Officers proved to have unjustly seized goods or persons of Abkars, or of having committed any other excess, subject to dismissal and other punishment, ...	„	XII.	
„ Construction of the terms "Officers employed in the Abkaree Department,"....	„	XIII.	
„ Licensed Abkars to produce their licenses when required—if not, subject to fine or imprisonment, ...	„	XIV.	
„ Mode of appropriating fines and proceeds from sale of confiscated articles, ...	„	XV.	
„ Officers of the Department conniving at the manufacture or sale of Liquors without license subject to the same penalty as the party acting in contravention of the Abkaree Law, ...	„	XVI.	
„ Punishment for repeated infractions of the Abkaree Law, ...	„	XVII.	
Acceptances—See "Bills of Exchange."			
Advances—See "Bank of Bombay."			
Affirmations—Penalty attendant on false affirmations by witnesses before arbitrators,..	IX.	V.	
Affrays—Amendment of the Law for preventing affrays concerning the possession of land and for giving relief in cases of forcible dispossession, ...	IV.	I.	I.
„ Course which shall be adopted by a Magistrate when certified that a dispute, likely to cause a breach of the peace, exists concerning any land, premises, &c.,..	„	II.	

Affrays

	Act.	Section.	Clause.
	1840.		
Affrays—Magistrate authorized to attach the subject of dispute until the rights of parties be determined by a competent Court,....	IV.	III.	
„ How a Magistrate is to act in cases of complaints of forcible dispossession of any land, premises, &c., ...	„	IV.	
„ On what principle award shall be based when the subject of dispute be new formed land and never before in the possession of any party, ...	„	V.	
„ Mode of adjusting disputes concerning the right of *use* of any land or water, ...	„	VI.	
„ Penalty attending any opposition to the execution of Magistrate's orders, ...	„	VII.	
„ Orders open to appeal, ...	„	VIII.	
„ Arbitration may be resorted to when all parties agree, ...	„	IX.	
„ Nothing in this Act shall affect the legal exercise of any right of attachment or seizure vested by law in any parties, ...	„	X.	
„ Limitation of jurisdiction, ...	„	XI.	
Appeal—Orders of a Magistrate in cases of land disputes open to—See "Affrays,"..	„	VIII.	
Appeals in forma Pauperis—Amendment of the procedure in cases of, ...	XIX.		
Arbitration in cases of land disputes—See "Affrays,"	IV.	IX.	
Arbitrations—Extension of certain provisions of Stat. 3d and 4th Wm. IV. Cap. XLII. to the Territories of the East India Company,.....	IX.		
„ Mode of examining witnesses, ...	„	I.	
„ Court empowered to give damages as here prescribed, ...	„	II.	
„ Power of an arbitrator or umpire, duly appointed, not revocable by any party, except with the sanction of the Court by which such arbitrator or umpire is appointed,.....	„	III.	
„ Rule regulating the attendance of witnesses and the production of documents required by arbitrators, ...	„	IV.	
„ Penalty attendant on false oaths and affirmations by witnesses, ...	„	V.	
„ Date from which this Act is to take effect in Calcutta, Madras, Bombay and the Straits, ...	„	VI.	

Arrack

	Act.	Section.	Clause.
	1840		
Arrack—See "Liquors,"			
Arrest for infractions of the Abkaree Law—See "Abkaree Revenue."			
Assessment of 10 per cent. levied on all lands not covered with houses or buildings within the limits of the Towns of George Town, Singapore and Malacca from 1st January 1841, ...	XII.	I.	
„ Of 5 per cent on property of the above description situated beyond the limits of the aforesaid Towns, ...	„	II.	
„ Exemption from—of all property the valuation of which shall be less than 10 Spanish Dollars,.....	„	III.	
„ Applicability of the provisions of Act XII. of 1839, relating to assessment of houses and buildings, to the assessment authorized by this Act,.....	„	IV.	
„ Rates of—on houses, buildings and grounds in Calcutta—Modification of the provisions of Statute 33, Geo. 3, Cap 52, purposes to which assessments shall be applicable, viz. lighting and watering the roads and streets, and cleansing and repairing the same and the drains of the Town, ...	XXIV.	I.	
„ Not to exceed 5 per cent. without the sanction of the Governor of Bengal,.....	„	II.	
„ The Justices at their Quarter Sessions shall publish quarterly the particulars of all disbursements and deficiencies of collection in the different divisions of the Town as herein described,.....	„	III.	
„ Governor of Bengal competent whenever application shall be made to authorize two-thirds in number and value of the rate payers of any of such respective divisions to undertake themselves the assessment, collection and management of the rates of such division, under the provisions herein prescribed, ...	„	IV.	
„ Governor of Bengal shall appoint Assessors or Collectors, ...	„	V.	
„ Specification of the names of the owners or occupiers of houses, buildings and grounds not necessary in any assessment rate or warrant of distress, it being sufficient that the property rated is identified,	„	VI.	

Assessment

	Act.	Section.	Clause.
	1840		
Assessment—Goods and chattels of the owner of any property liable to seizure for deficiency in the payment of rates—and any property found on the premises seizable for arrears. If property of a tenant he may deduct the amount of the levy from the next payment of his rent, ...	XXIV.	VII.	
„ Course of proceeding when property liable to distress is suspected of being concealed in the Zenana, ...	„	VIII.	
Attachment in land disputes—See "Affrays,"	IV.	III.	
Auction purchasers of permanently assessed Estates—See "Estates."			
Awards—Competency of the majority of members composing punchayets to sign, ...	VIII.		
Bank of Bombay—Corporation from 1st April 1840, rights and privileges of the proprietors,.....	III.	I.	
„ Limitation of the Capital Stock to 50 Lacs. Share of the Bombay Government disposal of lapsed shares arising from the non-payment by proprietors of the full amount of their shares,.....	„	II.	
„ Government of India shall have the power of encreasing the Capital Stock, ...	„	III.	
„ Capital Stock shall be divided into shares of 1,000 Rs. each—300 shares shall be the property of Government of Bombay—no share shall be of less amount than 1,000 Rupees,.....	„	IV.	
„ Transaction of business shall commence on the 1st April 1840 after official notification—Bank shall sue and be sued by its corporate name, ...	„	V.	
„ Payment of the amount of subscription to the Capital Stock shall be made for the time being to the Bombay Sub-Treasurer, who will grant receipts until the publication of the notification when the amount shall be delivered to such Directors of the Bank as shall be appointed, ...	„	VI.	
„ After the delivery of the amount of Capital Stock to the Directors as aforesaid, Sub-Treasurer's receipts shall be cancelled, and a certificate signed by the Directors, given to each proprietor, ...	„	VII.	
„ No proprietor shall be allowed to encrease his share to the Capital Stock beyond			

	Act.	Section.	Clause.
	1840		
1,60,000, unless the Capital Stock itself is encreased,	III.	VIII.	
Bank of Bombay—Shares transferable by endorsement of certificates, such endorsement being first registered at the Bank,	"	IX.	
" Corporate body of the Bank shall be composed only of the registered proprietors for the time being,	"	X.	
" Business of the Bank shall be conducted by nine Directors, three of whom shall be appointed and removable by the Government of Bombay and the remainder by the general body of proprietors,	"	XI.	
" Rule by which the election of Directors shall be regulated,	"	XII.	
" Two Directors shall in rotation go out of office annually when a general meeting of proprietors shall be held for supplying their place,	"	XIII.	
" Provision in case of casualties, &c. occurring in the Direction,	"	XIV.	
" No person who shall not be a proprietor of 12 shares, or who shall be a Director of any other Bank at Bombay, shall be eligible as a Director,	"	XV	
" All questions concerning the Bank shall be decided by a majority of votes at a general meeting,	"	XVI.	
" Scale regulating the votes of proprietors,	"	XVII.	
" Government of Bombay entitled to vote by proxy, such proxy having seven votes,	"	XVIII.	
" Individual proprietors also entitled to vote by proxy in the manner herein prescribed,	"	XIX.	
" Directors shall elect a president from among themselves who shall have a casting vote in all cases of equal division,	"	XX.	
" Not less than three Directors competent to form a Board for the transaction of business,	"	XXI.	
" Invalidity of all accounts and executed instruments unless signed by three Directors and sealed in their presence,	"	XXII.	
" Establishment for conducting the business of the Bank placed under the controul of the Directors—expenses not to exceed			

60,000

	Act.	Section.	Clause.
	1840.		
60,000 Rupees annually, except by special authority of the general proprietory, ...	III.	XXIII.	
Bank of Bombay—Certain of the Officers employed by the Bank shall be required not to engage in any commercial business and to give security to the extent of 50,000 Rupees, ...	"	XXIV.	
" Kinds of business in which the Bank shall engage, ...	"	XXV.	
" No negotiable security shall be discounted, nor any loans made unless funds to a certain extent are available, ...	"	XXVI.	
" Terms on which loans and advances shall be made—limitation of period and amount,	"	XXVII.	
" Nature of the security to be taken on loans,	"	XXVIII.	
" Shall not be in advance at any time to Government more than seven lacs and a a half of Company's Rupees, ...	"	XXIX.	
" No overdrawals to be permitted, ...	"	XXX.	
" May issue promissory notes to the extent herein specified, ...	"	XXXI.	
" Such notes as well as all other transactions to be confined within the limits of India, ...	"	XXXII.	
" Deposit of goods not of a perishable kind receivable, ...	"	XXXIII.	
" Books shall be balanced on the 30th June and 31st December every year—Government of Bombay entitled to demand any information it may require touching the Bank from the Directors, ...	"	XXXIV.	
" Rule regarding dividends, ...	"	XXXV.	
" General meeting of proprietors shall be held on the first Monday of August every year, ...	"	XXXVI.	
" Three Directors or ten proprietors competent to convene a meeting upon giving fifteen days previous notice, ...	"	XXXVII.	
" Branch Banks may be established, subject to the rules prescribed by this Act for the Bank itself, ...	"	XXXVIII.	
" Mode of recovering payment from proprietors who may be in debt to the Bank,	"	XXXIX.	
" Shall continue under its present constitution till the 1st April, 1847, ...	"	XL.	
" Schedule of the names of shareholders, ..	"	"	
Bills of Exchange—Amendment of the law for the negociation of—from 1st May 1840,	VI.	I.	

	Act.	Section.	Clause.
	1840		
Bills of Exchange—Specification of the nature of acceptance—liability of acceptors defined, &c. &c., ...	VI.	II. to IV.	
„ Endorsable, except under circumstances specified, ...	„	V.	
„ Jurisdiction of the Act, ...	„	VI.	
Bombay Code—Modification of Clause 2d, Section XLV. of Regulation XIII. of 1827, of the—regarding confinement of prisoners—See "Prisoners."			
„ Extension of certain Regulations to the Agents of Foreign Sovereigns having lands in Bombay—See "Regulations."			
Calcutta—Rates of Assessment for the Town of—See "Assessments."			
Commissioners in the Abkaree Department—See "Abkaree Revenue."			
Complaints of forcible dispossession of land „ —See "Affrays."			
Convicts—Modification of the former Rules regarding management of—transported within the Company's Territories—mode in which their property shall be invested,..	XVI.	I.	
„ Governor General in Council competent to appoint Superintendents at such places where convicts are delivered,.....	„	II.	
„ Governor General in Council competent to issue orders with regard to their classification, confinement, treatment, &c.,....	„	III.	
„ Transported before and whose terms of transportation are not yet expired, subject to the provision of this Act, ...	„	IV.	
Courts Martial—Execution of sentences passed by—under Act XXIII. of 1839,.....	II.	I.	
Damages—Arbitrators empowered to levy—See "Arbitrations,"	IX.	II.	
Debts—See "Bank of Bombay,"	III.	XXXIX.	
Declarations and oaths of Hindoos and Mahodan—See "Form."			
„ Made under the authority of Act No. XXI. of 1837, or any declaration or affirmation made in Her Majesty's Courts of Justice not affected by Act V. of 1840,..	V.	IV.	
Deposits—See "Bank of Bombay,"	III.	XXXIII.	
Directors—election of—See "Bank of Bombay,"	„	XII.	
Dispossession of lands, &c.—See "Affrays,"..	IV.	IV.	

Disputes

	Act.	Section.	Clause.
	1840.		
Disputes in taking possession of lands, &c. See "Affrays,"	IV.	III.	
Dividends—See "Bank of Bombay,".....	III.	XXXV.	
Engagements—See "Memorandum."			
Establishment allowed to the Bombay Bank—See "Bank of Bombay,".....	"	XXIII.	
Estates—(permanently assessed) liability of auction purchasers of such lands defined,	XX.	I.	
Factors—Amendment of the law relating to—extension to the territories of the East India Company, in cases governed by English law, of the provisions of the Statute (cited) 4th Geo. IV. Cap. 83, as altered and amended by Statute (also cited) 6th Geo. IV. Cap. 94,.....	XIII.		
False informers—See "Abkaree Revenue."			
Fine for breaches of the Salt Laws—See "Salt Laws."			
Fines in the Abkaree Department—See "Abkaree Revenue."			
Form of affirmation to be made by Hindoos and Mahomedans in lieu of oaths and declarations,..	V.	I.	
" Penalty attendant on false affirmations,..	"	III.	
" Any declaration or affirmation made under the authority of Act No. XXI. of 1837 not affected by the above—See "Declarations,"	"	IV.	
Futwa—dispensed with in cases referred to the Foujdaree Adawlut at Madras,.....	I.	I.	
George Town—See "Assessment."			
Houses of Correction within the jurisdiction of Her Majesty's Courts—See "Writs, Warrants," &c.			
Informers in the Abkaree Department—See "Abkaree Revenue."			
Jails (Civil and Criminal) within the jurisdiction of Her Majesty's Courts—See "Writs and Warrants."			
Juggernauth—Abolition of Pilgrim Taxes at —See "Taxes,"	X.	I.	
" Temple of—Superintendance and management of its affairs, &c. &c. vested in the Rajah of Khorda, ...	"	II.	
" None but *voluntary* donations to be received from pilgrims,.....	"	IV.	

	Act.	Section.	Clause.
	1840		
Juggernauth—Liability of the Khorda Rajah to prosecution in the event of breach of trust or extortion being established against him, or the priests and officers under him—See "Khorda Rajah,".....	X.	V.	
Jurisdiction of Act IV. of 1840—concerning affrays about land, &c.....	IV	XI.	
„ Of Act VI. of 1840—concerning Bills of Exchange, ...	VI.	VI.	
Khorda Rajah—Superintendance and management of the affairs, &c. of the Temple of Juggernauth vested in the,.....	X.	III.	
„ None but *voluntary* donations to be received from pilgrims,.....	„	IV.	
„ Liability to prosecution in the event of breach of trust or extortion being established against him, or the priests and officers under him, ...	„	V.	
Land—Disputes regarding—See "Affrays."			
„ (New farmed)—Ditto.			
Licenses—See "Abkaree Revenue."			
Licenses for the sale of Liquors within the Islands of Bombay and Colaba—See "Liquors."			
Liquors (Spirituous and fermented) sale of—in Bombay and Colaba—Collector of Land Revenue and Senior Magistrate of Police in Bombay conjointly vested with powers to grant or withhold licenses, ...	XVIII.	I.	
„ Governor in Council authorized to regulate the form of licenses,.....	„	II.	
„ This Act not to interfere with the laws now in force touching the sale of,.....	„	III.	
Liquors—See "Abkaree Revenue."			
Loans—See "Bank of Bombay."			
Malacca—See "Assessment."			
Memorandum (written) rendered necessary to the validity of certain promises and engagements by the extension of Statute 9, Geo. IV. Cap. XIV. to the territories of the East India Company,.....	XIV.		
Mendicants—in Calcutta, Madras and the Islands of Bombay and Colaba—extorting alms by offensive and disgusting exhibitions, liable to imprisonment for one month, ...	XXII.	I.	
„ Repetition of offence how punishable,....	„	II.	

Mendicants

	Act.	Section.	Clause.
	1860		
Mendicants—Punishment where resistance is offered to any Peace Officer attempting to apprehend them when guilty of the offences above named, ...	XXII.	III.	
„ Governor General in Council empowered to extend this Act to other places besides those named above,.....	„	IV.	
Mofussil Writs and Warrants—See "Writs, Warrants," &c.			
Municipal Act—See "Assessment."			
Notes (Promissory)—See "Bank of Bombay,"	III.	XXXI.	
„ (Dittto)—See "Bills of Exchange,"....	VI.	V.	
Oaths and Declarations—of Hindoos and Mahomedans—See "Form."			
Oaths—Penalty attendant on false oaths made by witnesses before arbitrators—See "Arbitrations,"	IX.	„	
Penalty attending opposition to the execution of Magistrate's orders in land affrays—See "Affrays,"	IV.	VII.	
„ To which persons making false affirmations shall be subject,.....	V.	II.	
„ To which persons convicted of causing another to make false affirmations shall be subject,.....	„	III.	
„ For breaches of the Salt Laws—See "Salt Laws."			
„ For disobeying or obstructing the execution of writs, warrants, &c. isssued by the Mofussil authorities—See "Writs, Warrants," &c.			
„ For infractions of the Abkaree Laws—See "Abkaree Revenue."			
Pilgrim Taxes—See "Taxes."			
Prisoners—confined in any part of the Provinces of Bombay shall not be forced to labor or solitary confinement unless expressly directed by the sentence of the Court under whose warrant confined,.....	XI.	I.	
„ Court sentencing to imprisonment with labor qualified to combine solitary confinement with it,.....	„	II.	
Promises and engagements—See "Memorandum."			
Promissory Notes—See "Bank of Bombay,"	III.	XXXI.	
„ „ See "Bills of Exchange,"	VI.	V.	
Proprietors of the Bombay Bank—See "Bank of Bombay,".....	III.	after XL.	

Punchayets

	Act.	Section.	Clause.
	1840		
Punchayets—majority of members competent to sign awards,	VIII.		
Regulations XV. of 1827 and XIII. of 1830 of the Bombay Code extended to the Agents of Foreign Sovereigns having lands and possessions in the British territory of the Bombay Presidency,	XV.		
Regulation V. of 1831 of the Madras Code amended—See "Salt Laws."			
„ XLIX. of 1793—See "Suits."			
Repeal of certain Regulations affecting the law for preventing affrays concerning the possession of land,	IV.	I.	I.
„ „ „ providing for the continuance of duties levied on pilgrims at Gyah and other places of pilgrimage,	X.	I.	
Revenue (Abkaree)—See "Abkaree Revenue."			
Salt Laws—Amendment of Regulation V. of 1831 of the Madras Code as far as regards penalties for breaches of the—Penalties recoverable before a Magistrate—restriction of fine to 50 Rupees, and if imprisonment, to one month,	XVII.		
Security for Loans given from the Bombay Bank—See "Bank of Bombay,"	III.	XXVIII.	
Shareholders of the Bombay Bank—See "Bank of Bombay,"	„	after XL.	
Sheriffs—course of proceeding to be observed by—touching the execution of legal process issued by Mofussil authorities within the jurisdiction of Her Majesty's Courts—See "Writs, Warrants," &c.			
Singapore and Malacca—See "Assessment."			
Solitary Confinement—See "Prisoners."			
Statute 9 Geo. IV. Cap. XIV. extended to the Company's Territories—See "Memorandum."			
Suits—Act IV. of 1840 not to affect the trial of suits under Regulation XLIX. of 1793 which were pending before the passing of that Act,	XXI.		
Superintendents in the Abkaree Department—See "Abkaree Revenue."			
Taxes (Pilgrim) abolition of—upon pilgrims resorting to Allahabad, Gyah and Juggernauth,	X.	I.	
Temple of Juggernauth—See "Juggernauth."			
Toddy See "Liquors."			

Transported

	Act.	Section.	Clause.
Transported Convicts—See "Convicts."			
Trial of cases referred to the Court of Foujdaree Adalut at Madras—See "Futwa."			
Uncovenanted Servants—eligibility of—to the Offices of Deputy Register and Assistant Register to the Sudder Courts in Bengal and the N. W. Provinces,.....	VII.		
Vagrants—See "Mendicants."			
Warrant of Distress—See "Assessments."			
Warrants issued by Officers in the Abkaree Department—See "Abkaree Revenue."			
Witnesses—rule with regard to the examination of—in cases of arbitration—See "Arbitration,"	IX.	I.	
„ Rule regulating the attendance of—before arbitrators, ...	„	IV.	
„ Penalty attendant on false oaths and affirmations, ...	„	V.	
„ Attendance of—by process issued by the Mofussil authorities—See "Writs, Warrants," &c.			
Writs, Warrants, or other legal process issued by authorities in the Mofussil, how to be executed within the local limits of the jurisdiction of Her Majesty's Courts at Calcutta, Madras and Bombay,.....	XXIII.	I.	
„ Course prescribed for the guidance of Sheriffs in the execution, ...	„	II.	
„ Liability of such Sheriffs to be proceeded against in all matters touching their execution in like manner as if they had originally issued from Her Majesty's Courts, ...	XXIII.	III.	
„ Penalty to which all persons disobeying or obstructing their execution, shall be subject, ...	„	IV.	
„ Duty of the Sheriff to deliver the party seized or detained by virtue of such Writs, &c. either to the authority issuing the Writs or to the person charged with the execution of the same, ...	„	V.	
„ Competency of a Judge of Her Majesty's Courts endorsing such Writs or Warrants, previous to execution, to remit the same for amendment if found defective, to the authority by whom they are issued, ...	„	VI.	
„ Persons seized under this Act, bailable, ..	„	VII.	

	Act.	Section.	Clause.
	1840.		
Writs, Warrants, &c.—Civil and Criminal Gaols and Houses of Correction within the jurisdiction of Her Majesty's Supreme Courts shall be liable to be used by the Sheriff for the purposes of this Act, ...	XXIII.	VIII.	

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INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1841.

	Act.	Section.	Clause.
A.	1841.		
Abkaree Revenue in the Bengal Presidency —Amount of Fines and period of imprisonment under Sec. 14, Act XXV. of 1840, limited—Superintendent of Abkaree Revenue shall pass sentences, ...	IX.	I.	
Act XXV. of 1840, Sec. 14, modified as above,	"	"	
" VII. of 1841, extended to Military Courts of Requests, ...	XI.	V.	
" XXV. of 1836—Provisions of—explained,	XIII.	I.	
" for the Relief of Insolvent Debtors extended to persons imprisoned for contempt of Court or for non-payment of costs or expences in Court—See Contempts.			
" XXIII. of 1839 extended to Camp-followers, ...	XXVIII.	I.	
" II. of 1840 made applicable to offenders imprisoned under Act XXVIII of 1841,..	"	"	
Actions—amendment of the English Law touching the delay of—by reason of parol demurring, ...	XXIV.	IV.	
" Personal—See Personal Action.			
Administrators of Estates may be proceeded against for debts on simple contract—See Debts.			
Ammunition and Arms—exportation of—prohibited—See Military Stores.			
Appeals shall lie to the nearest Sudder Court from decisions of Military Court of Requests convened beyond the E I. Company's Territories—See Military Court of Requests.			
" Against sales of Estates may be made to Commissioner of Revenue within a limited time—See Lands.			

	Act.	Section.	Clause.
	1841.		
Appeals before Courts of Sudder Dewanny and Nizamut Adawlut in Bengal—proceedings in—amended. Register may prepare appealed causes for trial, execute decrees and orders of the Courts, issue necessary process, and proceed thereupon,.....	XVII.	I.	
„ Security for costs in procedings before the said Court unnecessary. The Court may frame rules of practice for the due exercise of their Civil and Criminal Jurisdiction, subject to the approval of the Governor General of India in Council, ...	„	II.	
„ dismissed for default—See Suits.			
„ in Criminal cases—See Criminal Appeals.			
Arrears of rent due to deceased lessor—Executors may recover by distraint, ...	XXVI.	VIII.	
„ may be distrained for within six months after determination of Term and during continuance of possession of Tenant, ...	„	IX.	
Assessments on Houses, Buildings and Grounds in Madras—See Municipal Law.			
Assumpsit—action of—See Claims.			
B.			
Benamee purchase of Estates—suits brought on the ground of—to be dismissed with costs, ...	XII.	XXII.	
Bhang—Unlicensed sale of—within the Presidency of Bombay—See Ganja.			
Bombay Court of Petty Sessions and Magistrates—powers of, extended—See Court of Petty Sessions and Magistrates.			
Boatmen in Bombay, Colaba and Harbour of Bombay to wear badges with number of Boats to which they belong—See Conveyances.			
Boats let to hire in Bombay, Colaba and Harbour of Bombay—See ditto.			
Buildings likely to occasion conflagration—construction of—prevented—See Nuisances.			
„ in ruinous condition—removal of—See ditto.			
C.			
Camp-followers shall be punishable under Act No. XXIII. of 1839, ...	XXVIII.	I.	
Carriages and Carts let to hire in Bombay, Colaba and Harbour of Bombay—See Conveyances.			

Certificates

	Act.	Section.	Clause.
	1841.		
Certificates of manufacture and for export of Rum and Rum Shrub—See Rum.			
Certiorari—writ of—persons may have recourse to—when aggrieved by conviction of Court of Petty Sessions, or Magistrates of Police in Bombay, ...	III.	XI.	
Claims—adverse—Supreme Courts in actions of Assumpsit, Debt, Detinue, or Trover, may, on defendant's application that the right of claim belongs to a third party, may make rules for calling upon such third party, and dispose of the claim in a summary way, as also the question of costs and other matters, ...	VIII.	I.	
„ Judgment in any such action or issue and the summary decision of the Court or Judge, to be final, ...	„	II.	
„ adverse—Non-compliance by the third party with any orders of the Supreme Court shall for ever bar such third party from prosecuting his claim against the original defendant, saving his claim against the Plaintiff. Court to make orders between the Defendant and Plaintiff as to costs or other matters, ...	„	III.	
„ Orders made under this Act by a single Judge not in open Court, shall be liable to revision by the Court,.....	„	IV.	
„ A Judge on application may refer proceedings to the Court and how shall the Court proceed in such case, ...	„	V.	
„ In cases of Goods and Chattels seized under process by the Sheriff or other Officer, but claimed by another party, how shall the Court act for the adjustment of such claims and for the protection of the Sheriff or Officer,.....	„	VI.	
„ Rules, Orders, Matters and Decisions how to be entered of record and for what purpose, and for securing payment of cost what force the Rules and Orders shall have. In default of payment of costs what course authorized to be adopted, ...	„	VII.	
Commission—issue of—for trial of State Offences—See State Offences.			
Commissions—issue of—by the Court of one district to that of another for the examination of absent Witnesses in Civil Cases—See Witnesses.			
Conflagration occasioned by combustible substances how to be prevented—See Nuisances.			

SECRETARIAT LIBRARY

Contempt

	Act.	Section.	Clause.
	1841.		
Contempt of order in Equity of Her Majesty's Courts in refusing to execute deed or instrument, or make a surrender, or transfer, or to levy a fine, how to be remedied, ...	XXV.	I.	
„ In not delivering Books, Papers, or other articles, how to be remedied,..... ...	„	II.	
„ Persons imprisoned for Non-payment of Money, or of Costs, Charges of Expences in such Courts, shall be entitled to the benefit of the Act for the Relief of Insolvent Debtors, ...	„	III.	
„ Supreme Courts may order discharge of persons imprisoned by reason of Commitment or Attachment from their Contempt,	„	IV.	
„ Of Military Court of Requests, how punishable.—See Military. Court of Requests.			
„ Of Civil and Criminal Courts of the E. I. Company, as also of the Courts of Revenue Authorities by menaces or gestures.—See obstructions to Justice.			
Conveyances made by Infants, under order of SupremeCourts—Law relating to,amended,	XXIV.	IV.	
Conveyances (public) in Bombay, Colaba, and Harbour of Bombay, regulated. Hackney Carriages, Carts, Palankeens and other Vehicles and Boats let to hire to bear a number in manner indicated. Persons letting out Conveyances not bearing the prescribed inscription, how to be punished,	IV.	I.	
„ Numbers for public Conveyances by whom to be indicated, and on whose application. Breach of any provision of this Act will be followed by what consequence,	„	II.	
„ Ticca Bearers, Boatmen, or Persons employed in Conveyances to wear a Badge, with the number of the Conveyance, and they in default how to be punished,.....	„	III.	
„ Rates of Hire to be settled and published half yearly ; persons requiring more than the prescribed fare how to be punished and what punishment persons refusing to pay the Legal Hire shall be liable to. Contract for hire under settled rate not valid or binding on owners, ...	„	IV.	
„ Superintendant of Police to keep a Register of Applicants receiving numbers, and of conveyances for which numbers, also of persons for whom badges are obtained. Abuse of No. and Badge how to be punished, ...	„	V.	

Court

	Act.	Section.	Clause.
Conveyances (public) in Bombay, Coloba, and Harbour of Bombay—Court of Petty Sessions to appoint Stands for Public Conveyances and Palkees, and persons in charge of such Conveyances found loitering off such Stands for hire, how to be punished, ...	1841. IV.	VI.	
„ Persons not prevented from letting out Conveyances for a month or longer period without numbers,.....	„	VII.	
„ Fines imposed under this Act how recoverable,.....	„	VIII.	
Co-parcenaries in Putteedarree Estates—See Putteedarree Estates.			
Court of Petty Sessions in Bombay—jurisdiction of, extended—May summarily try cases of simple Larceny or receiving Stolen Property of limited value, ...	III.	I.	
„ Power of imprisonment limited—and of transportation withheld,.....	„	II.	
„ May commit for trial to Supreme Court persons charged with above offences, ...	„	III.	
„ How to enforce restoration of Stolen Property, ...	„	VIII.	
„ May inflict double punishment for repeated offence. Power of corporal punishment and imprisonment limited, ...	„	IX.	
„ How to levy Fines and Penalties, ...	„	X.	
„ Persons aggrieved by conviction of—at liberty to have recourse to Writ of Certiorari,	„	XI.	
Court of Wards—Estates under the management of—not to be sold for arrears accruing during such management—See Lands.			
Courts Martial may punish Camp-followers under Act XXIII. of 1839—See Offenders and Camp-followers.			
Courts of Equity—Contempt of the decree or order of—See Contempt.			
Crime against the State—See State Offences.			
Criminal Appeals and revision of Sentences and Orders of Criminal Courts—Regulations of the Bengal Code concerning—repealed,..	XXXI.	I.	
„ From Sentences in Criminal Trial or Proceedings passed by an Assistant to Magistrate, by a Sudder Ameen or a Law or other Officer under a Magistrate, one Appeal to lie to the Magistrate, or Joint Magistrate from Sentences passed by Magistrates, Joint Magistrates or Assistants vested with special powers there shall be one Appeal to Session Judges, and from Sentences of Session Judges to the Nizamut			

	Act.	Section.	Clause.
	1841.		
Adawlut. Sentences upon such Appeals to be final, ...	XXXI.	II.	
Criminal Appeals—Nizamut Adawlut may call for records of any Criminal trials of any Subordinate Courts and pass orders,.....	„	III.	
„ Nizamut Adawlut in cases so called for, or any Criminal Court in Appeals preferred to it, shall not be competent to enhance punishment or punish persons acquitted by lower Court, ...	„	IV.	
„ Sessions Judges, Magistrates or Joint Magistrates, may call for and examine records of any Subordinate Court for satisfaction—Courts under the degree of Nizamut Adawlut shall not alter sentences except when Appeals are duly preferred to them,.....	„	V.	
„ Sessions Judge may refer to the Nizamut Adawlut, any trial he may consider the sentence he is empowered to pass inadequate to the guilt of the prisoner,.....	„	VI.	
„ Act not to interfere with the powers of the Superintendent of the Police as in Act No. XXIV of 1837, and other parts of the Bengal Code, ...	„	VII.	
Curators—Appointment of—for securing property from wrongful possession by persons not having a rightful title by succession thereto—See Succession.			
D.			
Damages—Supreme Courts may in certain cases award—in the Nature of Interest, ..	XXVI.	VII.	
Debt—Action of—in Supreme Courts—See Claims.			
Debts due by Company's Native Officers or Soldiers or Persons amenable to Articles of War for Native Forces, how recoverable —See Military Court of Requests.			
Debts—Facilitating collection of—on succession to Estates of deceased Hindoos and Mahomedans, and better providing for the security of parties paying such debts to the representatives of such deceased persons,	XX.		
Debts not recoverable without a Certificate or a Probate or Letter of Administration, except in cases mentioned,.....	„	I.	
„ Manner of obtaining a Certificate from the Judge within whose jurisdiction the deceased's property may be,.....	„	II.	

Debts

	Act.	Section.	Clause.
Debts—Effect of such Certificate, ...	XX. 1841	III.	
„ Security to be taken from the Grantee of Certificate and for what purpose,.....	„	IV.	
„ Grant of Certificates may be suspended by the Sudder Court and that Court may grant a fresh Certificate, and what shall be the effect of the latter regarding payments made to the holder of the first Certificate,	„	V.	
„ Local extent of power given by Certificates,	„	VI.	
„ The holder of a Certificate may (if expressly mentioned) receive interest on Government Notes and Dividends and negotiate Securities,.....	„	VII.	
„ Payment under Certificate void by reason of previous Certificate, ...	„	VIII.	
„ Certificate after previous grant of Probate or Letters void, ...	„	IX.	
„ Bona fide payments protected,...	„	X.	
„ Probate or Letters after previous grant of Certificate not valid for payments of Debts,	„	XI.	
„ Bona fide payments protected,.....	„	XII.	
„ Curators prohibited from exercising certain powers,.....	„	XIII.	
„ Effect of Probates and Letters granted by Her Majesty's Courts to representatives of Hindoos and others,.....	„	XIV.	
„ Act not to affect property of British Subjects, ...	„	XV.	
Debts—payment of—out of real Estate—See Statute.			
Debt on Simple Contract—action of—against Executors or Administrators maintainable in Supreme Courts,.....	XXVI.	III.	
Decrees of Courts of Equity—Law for giving effect to—See Statute.			
Defendants in personal Actions in Supreme Courts may pay into Court money by way of compensation or amends, ...	XXVI.	IV.	
Demurring—parol—amendment of English Law touching delay of proceedings by reason of,	XXIV.	IV.	
Detinue—Action of—See Claims.			
Discharge mentioned in Stat. XI. Geo. IV. and I. Will. IV. C. 60, shall be applicable to the E. I. Company, and all Corporate Societies and their Officers and Servants,.....	XXIV.	III.	
Dismissal of Suits for default—See Suits.			
Distraint of personal property of Putteedars for arrears of Government Revenue—See Putteedarree Estates.			
Distraint—Executors may recover arrears of rent due to deceased Lessor by	XXVI.	VIII.	

Dividends

	Act.	Section.	Clause.
	1841		
Dividends—unclaimed—accruing on Insolvent Estates how to be disposed of—See Insolvent Estates.			
Duty—import—on Wines and Spirits how to be regulated. What percentage to be allowed for ullage on Wines and Spirits lodged in Bonded Warehouses,.....	XIII.	I.	
E.			
Effects of Testators—Stat. XI. George IV. and I. Will. IV. Chap. 40, better providing for the disposal of the undisposed of residues of—extended to the Territories of the E. I. Company,.....	XXIV.	I.	
Estates—Sale of—for arrears of Revenue—See Lands.			
Estates of deceased persons protected from wrongful possession—See Succession.			
Estates—Law relating to transfer and conveyance of—vested in Trustees and Mortgagees—See Statute.			
Estates of deceased persons—Action of Trespass for injuries done to—See Real Estate.			
Estates—real or personal—Action of Trespass against Executors or Administrators of a deceased person for injuries done to—by such deceased person during his life time —See ditto.			
Execution of Orders of Her Majesty's Courts in Equity when refused by persons, how to be enforced—See Contempt.			
Executors of any Lessor may distrain for arrears of rent in his life time—See arrears.			
„ May proceed for injuries done to the Real Estate of a deceased person during his life time, and may be proceeded against for wrongs committed by a deceased person—See Real Estate.			
Executors may be proceeded against for Debt on simple contract—See Debts.			
F.			
Fares of Public Conveyances in Bombay, Colaba and Harbour of Bombay—See Conveyances.			
Feme Coverts—law relating to the property of —See Statute.			
Fines and Penalties awarded under Act III. of 1841 by Court of Petty Sessions or Police Magistrates in Bombay, how leviable,....	III.	X.	

Fires

	Act.	Section.	Clause.
Fires from combustible substances how to be prevented—See Nuisances.			
Funds—Law relating to the conveyance or transfer of—vested in Trustees and Mortgagees—See Statute.			
G.			
Ganja and Bhang—Unlicensed sale of—by retail within the Presidency of Bombay, how punishable, ...	II.	I.	
„ Collectors of Land Revenue shall grant licences, ...	„	II.	
„ Form of Licence—See Appendix A to Act II. 1841.			
Gunpowder—deposit of—regulated—See Military Stores.			
H.			
Hire of Public Conveyances in Bombay, Colaba and Harbour of Bombay—See Conveyances			
Idiots—Law relating to the property of—See Statute.			
Illusory Appointment—Statute XI. George IV. and I. William IV. Ch. 46, for altering and amending the Law relating to—extended to the E. I. Company's Territories,	XXIV.	II.	
Indemnity mentioned in the last Section of Stat. XI. Geo. IV. and I. Will. IV. C. 60, shall be applicable to E. I. Company, and all Corporate Societies and their Officers and Servants, ...	XXIV.	III.	
Infants—Law relating to the property of—See Statute.			
„ Making Conveyances under Order of Courts, ...	XXIV.	IV.	
Insolvent Debtors—Law for the Relief of—to extend to prisoners for contempt of Court, for non-payment of money or of costs or charges of expences in any such Court—See Contempt.			
„ Estates—unclaimed dividends in—how to be disposed of—Parties having right to such dividends not barred from payment thereof from future assets, or from future dividends, ...	XXVII.	I.	
„ What course to be adopted before disposing of unclaimed dividends, ...	„	II.	
„ Estates—payment of wages of Domestic Servants of Insolvent Debtors, how to be made, ...	„	III.	

	Act.	Section.	Clause.
Insolvent Act when to have effect, ...	XXVII.	IV.	
Interest on arrears of Land Revenue abolished —See Lands.			
Interpleader—bill of—See Claims.			
Jury to fix rates of rent in Putteedaree Estates according to Secs. 5 to 10, Reg. IX. of 1833, in case of difference between parties—See Putteedaree Estates.			
Justices of the Peace—Persons appointed in any Commission of the Peace may act as—upon taking Oath in any Civil or Criminal Court of Justice within the places for which such Commission shall have been issued before the Presiding Officer whether a Justice of the Peace or not. Oaths where to be deposited,.....	XVI.	I.	
„ Oaths taken by—before other Justices of the Peace prior to the passing of this Act, declared lawful, ...	„	II.	
Justice—obstruction to—See Obstructions.			
L.			
Lands—better providing for realization of Government Revenue by sale of—within the Bengal Presidency, ...	XII.	„	
„ Certain Regulations of the Bengal Code relating to, rescinded—See Regulations, ..	„	I.	
„ Interest and Penalty upon arrears of Land Revenue abolished, ...	„	II.	
„ Days for the sale of—by whom to be fixed for each permanently settled District, and how to be notified, ...	„	III.	
„ Sales of—in unsettled Districts and in the Benares Province not to be held without previous order of the Sudder Board,.....	„	IV.	
„ Definition of an arrear, ...	„	V.	
„ Estates from which arrears may be due at sunset preceding the day of sale, to be sold by the Collector. Tender of money after sunset not to interfere with the sale,	„	VI.	
„ No claims to abatement and set off shall bar a sale, except as mentioned, ...	„	VII.	
„ No Estates to be sold for arrears of Revenue or other demands without previous notification to the effect and in manner indicated,	„	VIII.	
„ Non-Proprietors may deposit the amount of arrear, and under what circumstances be entitled to a temporary possession of Estates, and may recover the amount of deposit with interest from the Proprietors,	„	IX.	

Lands

	Act.	Section.	Clause.
Lands—Under management of Court of Wards, and those belonging to Minors, but not under Court of Wards, shall not be sold for arrears accruing during the Court's management or the time of the Minors until they come to age. Estates under attachment by Revenue authorities also exempted from sale for arrears accruing during such attachment. Those attached by Revenue authorities by order of Court when saleable for arrears,.....	XII.	X.	
„ Collectors and Commissioners of Revenue may exempt Estates from sale before its commencement—Receipt of Commissioner's order by the Collector after sale not to affect its legality,....	„	XI.	
„ Sales where to be held, ...	„	XII.	
„ Under what circumstances sales shall be adjourned, and how the adjournment to be notified to the Commissioner and the Public,	„	XIII.	
„ Sales to be made in regular order by number and how to be regulated,.....	„	XIV.	
„ Deposits to be made on purchase immediately, and to what extent. In default the Estate to be put up again and sold,.....	„	XV.	
„ Balance of purchase money to be paid within thirty days—In default the deposit to be forfeited—the Estates resold and the amount of any difference how to be levied from the defaulting purchaser, ...	„	XVI.	
„ After sale of an Estate Ryots and under tenants to be forbidden to pay rents until further notice,.....	„	XVII.	
„ Commissioners of Revenue may receive appeals against sales and annul them if held contrary to the provision of this Act, the purchaser being compensated if the sale be occasioned by the Proprietor's neglect,.....	„	XVIII.	
„ Local Government may restore Estates and under what circumstances,.....	„	IXX.	
„ Sales when to be final, ...	„	XX.	
„ On a sale becoming final, a Certificate of Title to be given to the purchaser in manner prescribed, the sale how to be proclaimed and the purchase money how disposed of, ...	„	XXI.	
„ Plea of Benamee purchase inadmissible,..	„	XXII.	
„ Annulment of Sales how to be notified —Deposit and purchase money how to be refunded, ...	„	XXIII.	
„ Purchasers liable for Mesne Revenue,....	„	XXIV.	

Lands

	Act.	Section.	Clause.
Lands, Grounds and conditions on which a Civil Court may reverse a Sale—Persons may have recourse to personal actions for damages against individuals by whom they may have been wronged,.....	1521 XII.	XXV.	
„ Refund of purchase money with interest on Sales being reversed by Courts of Justice,	„	XXVI.	
„ Purchasers of permanently settled Estates in Bengal, Behar, Orissa and Benares shall acquire them free from incumbrances imposed after settlement and enhance rents with certain exceptions mentioned, ...	„	XXVII.	
„ Purchases of Estates in other than said Districts may acquire them free from encumbrances imposed after settlement, and annul under tenures and leases granted by former Proprietors subsequently to the last settlement, save those mentioned, may enhance rents in cases of the nature mentioned, ...	„	XXVIII.	
„ Local Government may reserve under-tenures at Sales of Estates, and if such restricted Sales prove detrimental to the interest of Government cancel it before they are final and order it to be put up again for sale under conditions mentioned,	„	XXIX.	
„ Purchase by a Proprietor or Copartner of Estates in their own or in the name of others, also Estates sold for other demands than those accruing upon the Estate sold, shall be subject to all incumbrances and conditions which existed previous to such sale, ...	„	XXX.	
„ Arrears of rent due to the defaulter how recoverable by him after sale, ...	„	XXXI.	
„ Contempt to the Collector at the Sale how punishable. Appeal in such cases where to lie	„	XXXII.	
„ Default to make good a bid how to be dealt with,..... ...	„	XXXIII.	
„ Act to affect what Provinces,.....	„	XXXIV.	
„ Operation of Act when to commence,....	„	XXXV.	
Larceny—simple—cognizable by Court of Petty Sessions in Bombay—See Court of Petty Sessions.			
„ Ditto by single Magistrates in Bombay—See Magistrates.			
Law as administered in the Supreme Courts—amended in certain respects—by extending Statute 3d and 4th Will. IV. Ch. XLII.	XXVI.		
Law for the Relief of Insolvent Debtors shall extend to persons imprisoned for Contempt of Court—See Contempt.			

Letters

	Act.	Section.	Clause.
Letters of Administration—grant of—for the Collection of Debts due to Estates of deceased Hindoos and Mahomedans—See Debts.	181		
Licence for the retail of Ganja and Bhang in the Bombay Presidency—See Ganja and Bhang.			
Lomberdar—definition of—See Putteedaree Estates.			
Lunatics—Law relating to the property of—See Statute.			
M.			
Madras Municipal Law amended—See Munipal Law.			
„ Rum and Rum Shrub Act extended to the Presidency of, ...	XXIII.		
Magistrates—single—of Police in Bombay may exercise power of summary conviction in cases described in certain Rules, Ordinances and Regulations mentioned, provided in cases of simple larceny value of property does not exceed 10 Rupees.	III.	IV.	
„ May exercise in cases triable by them the same power of summoning, apprehending and punishing, as that conferred upon Court of Petty Sessions by enactments mentioned, ...	„	„	
„ Power of—as regards imprisonment, limited, ...	„	V.	
„ May commit persons for trial before Court of Petty Sessions or Supreme Court, ...	„	VI.	
„ Judgment how to be drawn up, ...	„	VII.	
„ How to enforce restoration of Stolen Property,.....	„	VIII.	
„ How to levy fines and penalties, ...	„	X.	
„ Persons aggrieved by conviction of—may have recourse to Writ of Certiorari,.....	„	XI.	
Markets in the Islands of Bombay and Colaba—for the better regulation of, ...	XIV.		
Master of Supreme Courts may execute deeds or instruments, make transfer and levy fines on parties refusing to do so, when required by order of said Courts in Equity—See Contempt.			
Measures—fraudulent use of—in Markets in Bombay and Colaba, how punishable—See Weights.			
Meat and Provision—sale of noxious—and nuisances affecting public health in Markets in Bombay and Colaba, how punishable,	XIV.	I.	

	Act.	Section.	Clause.
Meat and Provision—Found noxious on examination to be destroyed, ...	XIV.	II.	
Military Courts of Requests—Regulations relating to repealed. Jurisdiction of a single Officer authorized to try small Suits in Military Bazars at Cantonments in the Madras and Bombay Presidencies, and trial by Punchayet of suits against Military persons in the Madras Presidency, to remain unaffected, ...	XI.	I.	
„ Actions of Debt and other personal Actions to a limited amount against Native Officers, Soldiers and other persons amenable to the Articles of War for Native Forces, cognizable only before a Military Court. Disputes regarding caste or real property not to be determined by such Court, ...	„	II.	
„ Who to convene such—and such Courts how to be composed. Provision made for the trial of suits in the event of its being impracticable to constitute a Court where the cause of action may have arisen, ...	„	III.	
„ Shall be convened monthly, and on some day before issue of pay, ...	„	IV.	
„ What is to be the form of their proceedings, and to have what powers as to summoning witnesses, and examining parties. May examine absent witnesses under Act No. VII. of 1841, ...	„	V.	
„ Non-attendance of witnesses, perjury and subornation of perjury, how to be tried and punished, ...	„	VI.	
„ Contempts to such Courts where to be tried and how punished, ...	„	VII.	
„ Record of proceedings to be kept and the same to contain what particulars, and such record to whom to be submitted after signature by the Members, ...	„	VIII.	
„ Recovery of more than 200 Rs. on account of one or several demands by the same Plaintiff disallowed,—and the judgment of such Court shall be a bar against the recovery of any demand against the Defendant in any other Court if the liability occurred before instituting the suit in the Military Court—Payment of interest how be regulated—Contracts for debts exceeding 20 Rs. how to be drawn and executed—Suits for debts incurred upwards of 6 years inadmisible, except as mentioned, ...	„	IX.	
„ May terminate a suit for non-attendance of either party or of witnesses—Plaintiffs			

if

	Act.	Section.	Clause.
if cast in such case not competent to commence a new suit, ...	XI.	X.	
„ Commanding Officer may return the proceedings for revision by the same or other Military Court of Requests. Second decree to be final. Proceedings why referrible to the Commander in Chief, who may annul them without prejudice to any future suit. Evidence not adduced at the first may be received at the new trial,....	„	XI.	
„ What process to be observed before commencement of a trial, ...	„	XII.	
„ Decrees how to be published, ...	„	XIII.	
„ Execution of decrees may be either general or special, subject to alteration by the Commanding Officer,.....	„	XIV.	
„ General execution of decrees against persons how to be enforced, and demands how to be satisfied,.....	„	XV.	
„ Special do do.....	„	XVI.	
„ In places beyond the Company's Territories Suits may be brought for any amount—In such place Court to compose of European Officers—and if amount of claim exceed 200 Rupees, appeal shall lie to the nearest Sudder Court,....	„	XVII.	
„ Operation of Act when to commence,....	„	XVIII.	
Military Stores—Exportation of—from the E. I. Company's Territories without licence prohibited—Arms, Ammunition and Stores exported without licence declared liable to forfeiture, and persons offending contrary to this Act how punishable,.....	XVIII.	I.	
„ Deposit of Gun Powder exceeding 50 pounds without licence how punishable,..	„	II.	
„ Local Government may order export of, without licence, ...	„	III.	
Minors—Arrears of Revenue due on Estates belonging to—See Lands.			
Municipal Law for Madras Amended. The particular purposes to which Assessments shall be applicable specifically declared,..	XXII.	I.	
„ Assessments to be sufficient for all the purposes. Rates not to be increased without sanction of Governor in Council,....	„	II.	
„ Justices shall publish particulars of all sums laid out and of the expences of Collection and deficiencies during the preceding quarter,..	„	III.	
„ Two-thirds in number and value of the rate payers of any Division may undertake Assessment, Collection and Management of			

the

	Act.	Section.	Clause.
the rates of such Division, provided a scheme to be presented by them shall be approved by the Governor of Madras, and that the outlay of the collections is not limited to such Division alone,.....	164 XXII.	IV.	
„ Governor in Council may appoint Assessors, and Collectors and make union of offices, and may prescribe rules and take securities for the due execution of this Act, ..	„	V.	
„ Names of Owners of Houses, &c. not necessary to be specified in Assessment Rates or Warrants of Distress: Identity of Property rated and name of the Street and number of House, sufficient,.....	„	VI.	
„ Goods and Chattles of Owners of rated Property shall be seizable any where for deficiency in payment of rates, as also Property found upon premises for arrears due for one year. Tenants how to reimburse themselves for Property thus seized, .	„	VII.	
„ Property liable to Distress when concealed in the Zenana how to be seized, ...	„	VIII.	
„ Any one Justice of the Peace for the Town of Madras may issue a Warrant of Distress,.	„	IX.	
N.			
Native Soldiers—Actions of Debts against---See Military Court of Requests.			
Nuisances affecting the public health in Markets in the Islands of Bombay and Colaba, how punishable, ...	XIV.	I.	
„ Local---of the nature mentioned may be prevented by Magistrates,.....	XXI.	I.	
„ Magistrates how to punish persons for disobedience of order. Expences incurred by Magistrates for removing noxious or dangerous Articles how to be reimbursed. Magistrates may order tanks or wells to be fenced, ...	„	II.	
„ Parties objecting to Magistrate's injunctions may refer the question at variance to a Jury, according to whose decision the Magistrates shall act. Magistrates how to act for neglect of such parties in the appointment of a Jury, and for the Jury not deciding the question within the fixed period, ...	„	III.	
„ Magistrate's Orders shall be subject to Appeal, ...	„	IV.	
„ Act not applicable to local limits of Her Majesty's Courts,.....	„	V.	

Oaths

	Act.	Section.	Clause.
O.	1841		
Oaths of Qualification by Justices of the Peace —See Justices.			
Obstructions in thoroughfares and public places —removal of—See Nuisances.			
„ to Justice—by menaces or gestures in the Company's Court how punishable. Appeals shall lie to the proper Authorities. Persons amenable to the Supreme Courts shall be indicted as for a misdemeanor in any of the above cases sustainable before this Act, if no proceedings shall have been instituted before the Court offended, .	XXX.	I.	
„ Courts of Revenue Authorities may inflict like punishment for similar offence—Appeals may lie to Superior Revenue Authorities and Orders to be carried into effect by the Magistrate on application,.....	„	II.	
„ Certain Regulations relating to—rescinded —See Regulations, ...	„	III.	
Offenders amenable to Articles of War for Company's Native Force, not being Commissioned Officers, punishable under Act XXIII of 1839—See Camp-followers.			
Ownership of Vessels—See Ships.			
P.			
Palankeens let to hire in Bombay Colaba, and Harbour of Bombay—See Conveyances,			
Penalties awarded under Act III of 1841 how to be levied by Court of Petty Sessions and single Magistrate in Bombay—See Fines.			
Penalties upon arrears of Land Revenue abolished—See Land.			
„ Under Act XXV of 1840 regarding Abkaree Revenue—See Abkaree.			
Perjury and subornation of Perjury committed before Military Court of Requests how punishable—See Military Court of Requests			
Personal Actions---defendants in—with certain exceptions mentioned, may pay into Her Majesty's Court Money by way of compensation or amends, ...	XXVI.	IV.	
Prisoners—trial of—charged with certain Offences within the Islands of Bombay, Colaba and Harbour of Bombay by Court of Petty Sessions and single Magistrates in			

	Act.	Section.	Clause.
Police—See Court of Petty Sessions and Magistrates.	1841		
Prisoners—Discharge of—for contempt of Supreme Courts and non-payment of costs, &c. See Contempt.			
Probates—grants of—for the Collection of &c.—Debts—See Debts.			
Property stolen or received knowing it to have been stolen—restoration of—in cases tried under Act III. of 1841, how to be enforced —See Court of Petty Sessions and Magistrates.			
Putteedarree Estates—better providing for Collection of Government Revenue and defining interest conveyed by public sales for arrears in—Existing Regulations relating to—insufficient, ...	I.	I.	
„ Definition of—a Lumbardar and a Putteedar, ...	„	II.	
„ Specification of modes of duress against recognized Putteedars, ...	„	III.	
„ Any Putteedar or other Members of the Coparcenary may, upon conditions, take a Puttee if sold to a stranger, ...	„	IV.	
„ Collectors may employ methods as prescribed under limitation and control of Government or Subordinate Authorities,..	„	V.	
„ Sale of any Puttee how to be conducted. After confirmation of sale the Puttee to be absolute property of purchaser, with exception mentioned, ...	„	VI.	
„ By executing what engagement Members of Puttees sold or transferred shall be entitled to cultivate Lands. Rates of rent how to be fixed in case of disagreement,..	„	VII.	
„ What shall constitute sufficient evidence of money paid and arrear due by a Puttee, and papers containing same where to be filed,	„	VIII.	
„ Collector to give possession to purchasers and transferrees, as authorized by C. 3, Section 23, Regulation VII. 1822, ...	„	IX.	
„ Act not to bar the right of Government to hold the entire body of Proprietors and the entire Estate responsible for the whole Jumma,.....	„	X.	
„ Governor General in Council may extend this Act to any District,.....	„	XI.	
R.			
Real Estate—Executors or Administrators of deceased persons may maintain under			

Stat.

	Act.	*Section.*	*Clause.*
Stat. 3d and 4th Will. IV. CXLII. an action of Trespass or Trespass on the case, for injuries to the Real Estate of such deceased persons. Similar action may be brought against Executors or Administrators for wrong committed by the deceased persons, to the real or personal property of other persons, ...	1841 XXVI.	I.	
Rebellion—Trial of—See State Offences.			
Registry of Ships—See Ships.			
Registrar of Supreme Courts may execute deeds or instruments, make transfers or levy fines on parties refusing when ordered to do so by the said Courts in Equity—See Contempt.			
Regulation XI. of 1822, of the Bengal Code, modified in certain respects, ...	I.	X.	
Regulations for the examination of absent Witnesses in any Presidency repealed, ...	VII.	I.	
„ Concerning Military Court of Requests, repealed, ...	XI.	I.	
„ of the Bengal Code relating to Revenue on Lands rescinded, viz. Section 2, Regulation XIV. 1793; Section 2, Regulation III. 1794, Regulation XI. 1822, (except Sections 36 and 38) and Regulation VII. 1830, ...	XII.	II.	
„ IX. of 1819, Section 7, of the Bengal Code, repealed, ...	XV.	I.	
„ XXIII. of 1814, Clause 2, Section 27, of the Bengal Code, repealed.....	XXIX.	III.	
„ VI. of 1816, Cl. 2, Section 26, of the Madras Code, repealed, ...	„	„	
„ XXIII. 1814, Section 42, and further proviso in Section 74 and Regulation XII. of 1825, Clause 2d and 3d, Sections V. and VI. of the Bengal Code, repealed,.....	XXX.	III.	
„ of the Bengal Code concerning powers of Criminal Courts respecting appeals and revision of sentences of a Lower Court by a higher, repealed, ...	XXXI.	I.	
„ Concerning process for trial of State offences modified for the sake of uniformity at the several Presidency,.....	V.	I.	
Rents on under-tenures in Estates sold for arrears of Revenue, may be enhanced by purchasers under restrictions mentioned—See Lands.			
„ arrears of—due to deceased Lessor—Executors may recover by distraint,.....	XXVI.	VIII.	
Revenue, Government, arrears of—in Putteedarree Estates—See Putteedarree Estates.			

Revenue,

	Act.	Section.	Clause.
Revenue, on Lands—Law for the better collection of—See Lands.	1841		
Revenue Authorities—contempt of the Courts of—by gesture or menaces—See obstructions to justice.			
Rule, Ordinance and Regulation I. of 1814, and certain provisions of ditto ditto, ditto II. of 1827, of the Bombay Code, extended to single Magistrate, ...	III.	IV.	
„ of the Bombay Code—Article I. Title XIV. and Article III. Title XV. of R. O. and Regulation II. of 1827, repealed, ...	III.	IX.	
Rules of practice for the Courts of Sudder Dewanny and Nizamut Adawlut in Bengal may be framed by them from time to time, ...	XVII.	II.	
Rum and Rum Shrub, the produce of any foreign country, if imported into the Presidency of Bengal shall be confiscated except as mentioned,.....	VI.	I.	
„ A declaration in the prescribed form before the proper, authority shall entitle an owner of—or his Agent to a certificate of origin, ...	„	II.	
„ Officers before whom declarations shall have been made, shall grant a Certificate in form prescribed, ...	„	III.	
„ Shippers of—to the United Kingdom to produce to the Customs Collector, the Certificate of origin and subscribe before him a declaration in directed form,.....	„	IV.	
„ The Officer before whom the declaration shall have been made, shall grant a Certificate under a specified form,.....	„	V.	
„ Owners of—intended for exportation or their Agents will not be entitled to a Certificate unless the Spirits be the produce of a licensed Distillery, ...	„	VI.	
„ Intended for export to United Kingdom how to be manufactured, and what declaration and verification necessary for obtaining a Certificate, ...	„	VII.	
„ Any brought to the Custom House for export if found adulterated, shall be confiscated and the party on whose declaration Certificate of Manufacture shall have been granted, also the party verifying the same, shall be proceeded against and in what manner, ...	„	VIII.	

Rum

	Act.	Section.	Clause.
Rum and Rum Shrub, Persons making or causing false declarations and Officers of Government attesting to their verity, how to be dealt with, ...	1841 VI.	IX.	
The Rum Act No. VI. extended to the Presidency of Fort St. George under Act No. XXIII. of 1841, with the addition of the following Section.			
Rum and Rum Shrub—distilleries for the manufacture of—in the Presidency of Fort St. George—not to be established without a licence under Regulation I. of 1820 of the Madras Code—in default of which persons how to be punished, ...	XXIII.	X.	
Ryots in Putteedarree Estates—certain recognized rights of—protected,.....	I.	VI.	
S.			
Sales of Land for arrears of Government Revenue regulated—See Lands.			
Security by Calcutta Residents in Suits in the Mofussil Court unnecessary, with reference to Act XXIII. of 1840, ...	XV.	I.	
„ for Costs in Proceedings before Courts of Sudder Dewanny and Nizamut Adawlut in Bengal declared unnecessary, ...	XVII.	II.	
Sentences of Criminal Courts—revision of—See Criminal Appeals.			
Sheriff may seize Books and articles when refused by parties to deliver—See Contempts.			
Ships belonging to ports within the Company's Territories or to Native States or their subjects, entitled to the privileges of British Ships, ...	X.		
„ Certificate of Registry at ports within the Company's Territories will entitle them to the privilege of British Ships—Form of Certificate annexed,..... ...	X.	I.	
„ Ports declared for the Registry of—Ships built at other than such ports may be allowed to make their first voyage under a Certificate of the kind mentioned to any of the legalized ports, where they are intended to be registered. Owners or Masters how to be punished if ships after arrival at the port of Registry are not registered within a reasonable time,.....	„	II.	
„ What authorities shall make Registry and grant Certificate,....	„	III.	
„ A Book of Registry to be kept by the Registering Officer and in what manner. A			

	Act.	Section.	Clause.
copy of the Certificate granted to be sent to the Government of the Presidency, with the No. of the Certificate, ...	1841 X.	IV.	
Ships—No Registry to be made or Certificate granted until a declaration to the effect mentioned be subscribed before the Registering Officer, by the Owners, ...	„	V.	
„ If the required number of joint Owners do not attend to subscribe the prescribed declaration, what further declaration necessary on the part of the attending Owners as to the cause of the absence of the part Owners,.....	„	VI.	
„ previous to registering or granting Certificates, what course to be adopted for ascertaining such particulars of the built, description and admeasurement as specified in the Certificate,..... ..	„	VII.	
„ Rules of measurement for ascertaining the Tonnage of Ships,.....	„	VIII.	
„ Ditto ditto of Steam Vessels,.....	„	IX.	
„ What alteration in Steam Vessels would require new registry,.....	„	X.	
„ Rule for ascertaining Tonnage of laden Ships, ...	„	XI.	
„ Registered Tonnage how to be marked, and in what part of the Ship,.....	„	XII.	
„ Country Crafts employed in Coasting Voyages of 200 Tons burden may be registered and marked as prescribed,.....	„	XIII.	
„ Registered Tonnage to be repeated on every subsequent registry, except as mentioned,	„	XIV.	
„ Fraudulent use of Certificates will render them void, and the Master or Owner proved to have committed the offence, how to be punished. Under what circumstances Certificates should be delivered up, and in default the Masters or Owners will be liable to what punishment, ...	„	XV.	
„ Change of Masters how to be noted down on Certificates delivered to the proper Officer. Non-delivery of it how punishable,..	„	XVI.	
„ Owners not competent to give any name to Ships other than that by which she is registered. Name of Ships how to be painted —Loading Ships before such painting and calling them by fictitious names how punishable, ...	„	XVII.	
„ Persons applying for Certificate of Registry to produce a Certificate of Building, and to make a declaration as to the accuracy of the particulars therein mentioned,	„	XVIII.	

Ships,

	Act.	Section.	Clause.
Ships, Loss of Certificate of Registry how to be provided for, whether the Ship be at the time at or out of port. Certificates found after being mislaid to be delivered to proper Officers of Customs to be cancelled.	1841		
What will be the consequence of the non-delivery and illegal use of such Certificate,	X.	XIX.	
„ Detention of Certificates of Registry by persons having an interest in the Ship or not, how to be provided for, and persons detaining the same how to be punished,..	„	XX.	
„ Alterations in a Ship after Registry or in the Ownership thereof, shall render it necessary for her being registered de novo, on failure whereof the Ship to be deemed as not duly registered, and persons using the Certificate when the Ship ought to have been registered de novo, how to be punished, ...	„	XXI.	
„ Proof of Ownership of Vessels or otherwise, how to be obtained without entailing the necessity of personal attendance of the Registering Officers in Courts or the production of original papers, ...	„	XXII.	
„ False declarations—falsifying documents —making use of falsified documents,—and granting false Certificates, how punishable, ...	„	XXIII.	
„ British—owned by Native Princes or their subjects may continue to enjoy the privileges thereof under a pass granted by the Government under restrictions mentioned. Ships built within Native Dominions and owned by them, may also enjoy the same privileges, under a similar pass, provided the Ships be commanded by a British subject, ...	„	XXIV.	
„ Fees for the grant of Certificates or Passes to be fixed according to the directions of the Governor General in Council, ...	„	XXV	
„ Registered under this Act shall belong to ports at which they shall be registered. Ships built and registered before the passing of this Act exempted from the operation of its provisions, ...	„	XXVI.	
„ Proclamation of the Governor General in Council declaring the privileges of Ships built within the Territories of the E. I. Company, ...	„	„	
Soldiers—Native—actions of debts against—to an amount limited, cognizable by Military Courts of Requests—See Military Court of Requests.			

Special

	Act.	Section.	Clause.
Special Case—Parties in any action or information in the Supreme Courts may be allowed to try a point of Law by means of—without formalities, ...	1841 XXVI.	V.	
Spirits in Casks—Import duty on—how to be regulated.—See Wines.			
State Offences—Modification of Regulations affecting process for trials of—for the sake of uniformity at the different Presidencies. Ordinary tribunals may try charges of treason, rebellion, or other crime against the State, ...	V.	I.	
„ Government of any Presidency may issue a commission for the trial of—by one or more Judges with or without Law Officers,	„	II.	
„ Courts convened under such commissions how to try prisoners, what powers to exercise and with what exceptions, and how to be guided,.....	„	III.	
„ providing for the death or absence from indisposition of any of the Judges or Law Officers of Courts appointed under this Act, ...	„	IV.	
„ The highest Criminal Courts of the respective Presidencies on receipt of trials how to proceed, and with what exceptions, with reference to rules for other trials, and how long to wait before carrying their sentences into execution, ...	„	V.	
„ Magistrates of Districts where persons shall be charged with—shall give immediate notice to the Government of the Presidency, and act according to their order for the apprehension and trial of parties,...	„	VI.	
„ Act not to affect jurisdiction of the Supreme Courts, ...	„	VII.	
Statute XI. Geo. IV. and I. William IV C. 40 better providing for the disposal of the undisposed of residues of the Effects of Testators extended to the E. I. Company's Territories, ...	XXIV.	I.	
„ XI. Geo. IV. and I. William IV. C. 46 relating to Illusory appointments and Stat. XI. Geo. IV. and I. William IV. Chap. 65 for consolidating and amending the Law relating to property of Infants, feme coverts, Idiots, Lunatics and persons of unsound mind, extended to the E. I. Company's Territories, ...	„	II.	
„ XI. Geo. IV. and I. William IV. Chap. 60 respecting Conveyances of Estates and Funds vested in Trustees and Mortgagees,			

and

	Act.	Section.	Clause.
and for enabling Courts of Equity to give effect to their orders in certain cases, extended to the Company's Territories, and provisions relating to the Lord Chancellor of Great Britain or to Courts of Chancery, or their Decrees, made applicable to Supreme Courts. The Indemnity and discharge mentioned in the last Section of the same Act shall be applicable to the E. I. Company and Corporate Societies, their Officers and Servants, ...	1821 XXIV.	III.	
„ Secs. 10 and 11 of XI. Geo. IV. and I. Will. IV. Chap. 47, amending the Laws for facilitating the payment of debts out of real Estate extended to E. I. Company's Territories, ...	„	IV.	
„ Act to affect cases governed by English Law, ...	„	V.	
„ 3d and 4th Will. IV. Ch. XLII.—Certain provisions of—for the further amendment of the Law and the better advancement of Justice extended to the Company's Territories, ...	XXVI.	I.	
„ 33 George 3 Chap. 52, regarding Assessments for the Town of Madras modified—See Municipal Law.			
Successions to moveable and immoveable Property left by deceased persons, how to be protected from wrongful possession without the institution of a regular Suit,—application to be made to the Judge of the District by persons claiming a right to such property when possession thereof is taken by another person, or forcible possession is apprehended,.....	XIX.	I.	
„ In cases of minor, disqualified or absent heirs, who to make such an application, ..	„	II.	
„ The Judge to make what preliminary enquiries before acting upon the application, ...	„	III.	
„ The Judge may summarily determine the right of possession, and may on application appoint an Officer to secure the property pending the prescribed enquiries,.....	„	IV.	
„ In what cases the Judge may appoint Curators to take charge of property and how long their authority shall continue in force. In cases of land who to be appointed Curator, ...	„	V.	
„ Terms for the continuance of the Curators in possession of property defined. The Judge to have discretionary power to allow.			

	Act.	Section.	Clause.
the party in possession to continue in such possession on giving security, ...	XIX. 1841	VI.	
Successions, the Judge shall take security from Curators and for what purposes. How they are to be remunerated. Monies realized by them how to be disposed of. Delay in taking security not to prevent Curators being immediately invested with power,....	"	VII.	
" In cases of lands paying Revenue to Government, the Judge to act according to the Collector's Report, with regard to the citation of the party in possession and the appointment of a Curator, except in urgent cases,.....	"	VIII.	
" Curator to be subject to the order of the Judge in matters of litigation. Express authority requisite for their collection of debts or rents,.....	"	IX.	
" Judges may make an allowance to parties having a primâ facie right to property while under the Curator's custody, ...	"	X.	
" Curators to file periodical accounts of his administration, and detailed account on giving up possession,.....	"	XI.	
" The accounts to be open to inspection of all parties interested, who may appoint persons to keep a duplicate account. Curator's neglect in the preparation of accounts, how punishable, ...	"	XII.	
" Appointment of more than one Curator by Judges of different Districts for the administration of portions of Estates how to be regulated. The Sudder Dewanny Adawlut may appoint one Curator of the whole property, ...	"	XIII.	
" Operation of Act restricted to application to the Judge within six months of the Proprietor's decease, ...	"	XIV.	
" Act not to contravene any public act of settlement nor any direction given by the deceased Proprietor for the possession of his property after death,.....	"	XV.	
" Court of Wards to act as Curators if already in possession of property of a minor, on whose behalf application is made, and to have possession of the same if the minor be entitled thereto,.	"	XVI.	
" Parties whose application has been rejected, or who have been dispossessed, may bring a regular suit,.....	"	XVII.	
" Decision of the Judge on the summary suit as regards possession to be final,....	"	XVIII.	

Successions

	Act.	Section.	Clause.
Successions Local Governments may appoint public Curators for any District, they being nominated by the Judge, ...	1841 XIX.	XIX.	
„ Supreme Courts under what circumstances may authorize the Ecclesiastical Registrar, or one or more Curators to take charge of property within their jurisdiction, the right of succession to which is uncertain, ...	„	XX.	
Suits and appeals neglected to proceed in for six weeks to be dismissed without previous notice or proceeding, or assigning any reason,—further time allowable on special application, ...	XXIX.	I.	
„ In cases of dismissal of—Defendants and Respondents to be entitled to costs, such dismissal however not to bar institution of a new suit or appeal,.....	„	II.	
„ Certain Regulations repealed—See Regulations. Appeals not to lie against decisions passed under this Act; other than a summary appeal on the fact of default, ...	„	III.	
Supreme Courts—Law as administered in—regarding undisposed of residue of the Effects of Testators, Illusory appointments, transfer of Estates by persons under disabilities, and better management of the property of such persons.—See Statute,			
„ how to proceed in cases of adverse claim upon parties not having a right in the property claimed, but which belongs to a third party—See Claims.			
„ under what circumstances may authorize the Ecclesiastical Registrar or Curators to take charge of property within their jurisdiction, the right of succession to which is uncertain, ...	XIX.	XX.	
„ may Act according, to Stat. XI. Geo. IV. and I. Will. IV. C. 60 as regards Lord Chancellor of Great Britain or Courts of Chancery or their Decrees, ...	XXIV.	III.	
T.			
Tanks adjacent to thoroughfares—Magistrates to order—to be fenced—See Nuisances.			
Tax on Houses, &c. in Madras—See Municipal Law.			
Ticka Bearers in Bombay, Colaba and Harbour of Bombay to wear badges with number of the Palkees to which they belong, ...	IV.	III.	
Trades—injurious to public health, how to be suppressed—See Nuisances.			

Transfer

	Act.	Section.	Clause.
Transfer ordered by Her Majesty's Court in Equity—parties refusing to make—how to be enforced—See Contempt.	1841		
Treason—Trial of—See State Offences.			
Trespass—Action of—or Trespass on the case in the Supreme Court for injuries done to the Estates of deceased persons during their life-time. Also for injuries done by deceased persons to the real of personal property of another during their life-time. See Real Estate.			
„ Damages in actions of—in the nature of interest.—See Damages,			
Trover—action of—See Claims.			
„ Damages in actions of—in the nature of interest—See Damages.			
W.			
Wager of Law disallowed, ...	XXVI.	II.	
Weights and Measures—fraudulent use of—in Markets in the Islands of Bombay and Colaba, how punishable, ...	XIV.	I.	
„ Found false on examination to be destroyed —obstruction to such examination how punishable, ...	„	II.	
Wells adjacent to thoroughfares—Magistrates to order to be fenced—See Nuisance.			
Wines and Spirits in Casks—Import duty on —how to be regulated. What allowance to be made for ullage when lodged in Bonded Warehouses, ...	XIII.	I.	
Witnesses—absent—declaring a more uniform and improved process for examination of—Regulation relating to—repealed, ...	VII.	I.	
„ Courts within the Company's Territories may in cases of Civil Proceedings order examination of—either within or without their respective jurisdictions, ...	„	II.	
„ Courts in issuing orders for the examination of—within their respective jurisdictions may direct the attendance of persons at their own house or elsewhere, and the production of documents. Disobedience of order to be contempt of Court and punishable as such. Compensation to be made to witnesses as usual, ...	„	III.	
„ May be examined upon oath or affirmation.	„	IV.	
„ What enquiries by Courts necessary before issuing orders for the examination of—within their jurisdiction, or issuing Commissions to Courts of other Districts for			

that

	Act.	Section.	Clause.
that purpose; issue of Commission how to be regulated and the same how to be executed. Deposition to be read in evidence with the consent of the party against whom the same may be offered, except as mentioned. Proof of signature to certificates of deposition unnecessary, ...	1841 VII.	V.	
Witnesses—Company's Courts may generally direct Commissions to Courts of Requests for execution within the local limits of Her Majesty's Courts,.....	"	VI.	
" Commissions may be issued for execution in Native States in Alliance with the Company, and persons there in the service of the East India Company, required to obey the Commission, and for disobedience and false testimony such persons how to be dealt with,.....	"	VII.	
" Courts receiving orders for the examination of—may punish disobedience of such orders as a contempt, ...	"	VIII.	
Witnesses—names of—in cases in the Supreme Courts—objected to on the ground that the judgment would be in evidence for and against them, may be directed to be indorsed on record,..... ..	XXVI.	VI.	
" Neglecting to attend or refusing to give evidence before Military Courts of Requests how to be punished—See Military Court of Requests.			

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INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1842.

	Act.	Section.
A.	1842	
Acquisitions by exchange from the Sattara State, ...	VI.	
Act No. XXI. of 1839, extended to certain petty Thefts not being simple Larcenies,	III.	I.
„ No. VIII. of 1839—part of—as relates to certain Villages within the Bombay Presidency, rescinded, ...	VI.	
„ Nos. XIX. and XX. of 1841—the powers vested in the Courts of Sudder Dewanny Adawlut by—made applicable to the Courts of the highest Civil jurisdiction in the Madras and Bombay Presidencies, ...	VIII.	
„ Nos. XXXII. of 1836 and XV. of 1839—prohibiting the landing of Foreign Sugar within the Presidency of Fort William or Fort St. George made applicable to such Sugar otherwise imported—See Sugar, ..	XI.	
„ Nos. XI. and XXVIII. of 1841 made applicable to Camp-followers of every description receiving public pay, ...	XII.	II.
„ No. XIV. of 1839 and all Acts repealed thereby so far as they are applicable to the emigration of Natives from Calcutta, Madras and Bombay to the Mauritius, repealed—See Emigration, ...	XV.	I.
Assessments to be levied in Towns, Suburbs and Settlements, or places of public resort and residence not within Calcutta for the purposes of public health and convenience—See Municipal Law, ...	X.	
B.		
Boats and Catamarans in the Madras Roads—rules made for the better management of—	IV.	

	Act.	Section.
Boats and Catamarans—Carrying Passengers, Goods or Letters to and from Ships in the Madras Roads and Shore to obtain Licenses. In default persons employing the Boats how to be punished and the Boats how to be dealt with in such case, ...	1842 IV.	I.
„ Master Attendant may grant Licenses and the same to be renewed on what occasions. Change of abode of Owners and boatmen where to be noted down. In default of notice of such changes parties how to be punished. What fee to be charged for new registration, ...	„	II.
„ Master Attendant how to be satisfied of the capacity and condition of Boats previously to granting a License. What fee to be charged for Survey and Admeasurement of Boats,.....	„	III.
„ Numbers corresponding with those of the Registry and License how to be marked on—Persons counterfeiting numbers how to be punished,.....	„	IV.
„ Numbers how to be painted, cut or branded for the prevention of fraud or omission. Owners or other persons guilty of incorrect painting, cutting, branding, erasing or concealing figures how to be punished, ..	„	V.
„ of certain dimensions mentioned how to be manned and shall carry what number of passengers and what quantity of Goods,..	„	VI.
„ Tindals or Owners of boats, or other persons acting as principals or accessaries, how to be punished for surplus passengers and weight of Cargo, ...	„	VII.
„ Hours limited for boats to leave the shore and to remain alongside any Vessel. Master Attendant may prevent boats from putting off to or from the shore and by what signal. Parties how to be punished for breach of this Clause, ...	„	VIII.
„ When and where Boats and Catamarans and their Crews to be exposed for the inspection of the Marine Board and the Master Attendant, and what steps to be adopted for enforcing the repair of Boats found unseaworthy and for the employment of efficient Crews, ...	„	IX.
„ Places assigned for the landing of Goods of descriptions mentioned—Persons landing or attempting to land otherwise how to be punished, ...	„	X.

Boats

	Act.	Section.
Boats and Catamarans, Vessels and Dhonies to anchor in what parts of the Roads—Owners of Boats how to be punished for communicating with Vessels and Dhonies, which shall be anchored otherwise,.....	1842 IV.	XI.
„ Owners of Boats when not employed to be in attendance at the Boat Office during fixed hours of the day—in default how they are to be punished, ...	„	XII.
„ Owners of Boats demanding a higher rate of hire beyond what is fixed by Schedule B., how to be punished,.....	„	XIII.
„ Owners or persons deputed by them how to be punished for refusing to let on hire Boats and Catamarans for public or private service within the hours and in terms in Schedule B., ...	„	XIV.
„ Boatmen how to be punished for causing impediments to the service of Boats and Catamarans, ...	„	XV.
„ Owners of—shall provide for service during the night certain numbers of Boats,—and in default how to be punished, ...	„	XVI:
„ to be kept completely dunnaged and seaworthy, and in default thereof, and any damage of Goods or Cargo, as also for endangering lives, owners how to be punished, ...	„	XVII.
„ What is to be the penalty on—having a communication with ships in the offing or beyond the limits of the Anchorage before the Master Attendant's Report Boat has boarded them, ...	„	XVIII.
„ Searches authorized to be made on Boats and Catamarans and on persons on board such Boats for prohibited or smuggled Goods.—What penalty to be levied for impeding such searches,.....	„	XIX.
„ Secs. III., IV., VII., VIII., IX. and X. of the Marine Police Regulation of Madras repealed, ...	„	XX.
„ Justices of the Peace for the Madras Presidency may exercise the jurisdiction and authority ordained to be exercised by the Master Attendant and Deputy Master Attendant of the Port of Madras, ...	„	XXI.
„ Owners or Servants connected with—shall be amenable to Secs. XI., XII. and XIII. of the Marine Police Regulation,.....	„	XXII.
„ Sec. XXXVI. of the above Regulation how applicable, ...	„	XXIII.

Boats

	Act.	Section.
Boats and Catamarans. Cases of forfeitures and penalties by whom to be heard and determined—and how the penalties are to be recovered and disposed of, ...	1842 IV.	XXIV.
Bombay—Certain Villages brought under the Government of—and made subject to Regulations, ...	VI.	
C.		
Calcutta—Sale of Opium and other Intoxicating Drug in—regulated—See Opium, ...	I.	
Camp-followers of every description receiving public pay to be subject to provisions of Acts XI. and XXVIII. of 1841, like enlisted Soldiers,.....	XII.	II.
Catamarans—the employment of—in the Madras Roads—See Boats.		
Commissions to be issued to holders of alienated revenue within the Bombay Presidency for facilitating the collection thereof—Schedule A., ...	XIII.	
Commissioners of Revenue under the Bombay Presidency—Numbers and powers of—(See Revenue Commissioners).		
Conveyance—a Release shall be as effectual for the—of Freehold Estates as a Lease and Release by the same parties, (See Statute).		
Coolies—emigration of—to the Mauritius—See Emigration.		
Courts of the highest Civil and Criminal Jurisdiction in all the Presidencies how to be in future described in a general term in Legislative Enactments—See Sudder Court.		
Criminal Cases—preliminary investigation of—for Collection of Revenue within the Bombay Presidency—See Revenue Commissioners.		
D.		
Debts owing by persons subject to Military Courts of Requests not recoverable by traders of Military Cantonments unless such traders shall have been registered as Military Bazarmen at the time of the contract of the debts, ...	XII.	I.
Deshoor—Village of—held in Inam under the Bombay Government made subject to Regulations, ...	VI.	

Emigration

E.	Act.	Section.
Emigration of Natives of the Company's Territories to the Mauritius allowed under order of H. M.'s Privy Council (recited in this Act)—Act No. XIV. of 1839 of the Government of India repealed, except as it relates to ports other than those mentioned, and to Emigrants proceeding to other places than the Mauritius, ...	XV.	I.
„ Emigrants may be conveyed to the Mauritius from the Ports of Calcutta, Madras and Bombay, ...	„	II.
„ Governments of the several Presidencies may authorize persons nominated by the Mauritius Government to act as Emigration Agents, who shall make Monthly Reports of all matters to the Government to which he is Subordinate, ...	„	III.
„ Emigrants shall not be conveyed without a License from Government. What fee to be levied per Emigrant. Masters of Ships carrying Emigrants how to be bound over—What penalty to be imposed for conveying Emigrants without a License, ...	„	IV.
„ No Licensed Vessels shall receive on board Emigrants without a pass from the Emigration Agent, ...	„	V.
„ A Certificate from the Agent containing certain particulars necessary before the clearing out of Ships carrying Emigrants,	„	VI.
„ Probable lengths of Voyage of Ships from the Ports of Calcutta, Madras and Bombay to the Mauritius, ...	„	VII.
„ Masters of Ships to deliver, before clearing out to the Agent, a list of the kind indicated and to obtain a duplicate thereof,	„	VIII.
„ Masters clearing their Ships without complying with the particulars before mentioned, shall be liable to what punishment,	„	IX.
„ Masters of Ships taking on board, after clearance, Emigrants whose names are not entered in the lists aforesaid, how to be punished, ...	„	X.
„ Masters of Ships cleared for the Mauritius, committing acts by which the Certificate obtained by them becomes inapplicable to the altered state of the Ship or Passengers or other matters, shall be punishable by a penalty laid down, ...	„	XI.
„ Powers vested by law in Officers of Customs to be exercised by them for the prevention of illegal embarkation of Emi-		

	Act.	Section.
grants and other Offences. Pilots invested with the same powers as Preventive Officers of Customs in this behalf, ...	1812 XV.	XII.
Emigration of Natives—Attempts by intoxication, false imprisonment or other means of crimping to export Natives, how to be punished, ...	„	XIII.
„ Duties required of the Preventive Officer of Customs and Pilot on board Vessels cleared for the Mauritius in order to prevent additional Emigrants being conveyed in them. Customs Officers and Pilots making improper reports or conniving at the unauthorized embarkation of Emigrants how to be punished,.....	„	XIV.
„ Forgery of documents required by this Act how to be punished,.....	„	XV.
„ Penalties how to be enforced from Masters of Ships, ...	„	XVI.
G.		
Governor General may exercise powers of the Governor General in Council during his absence from Calcutta, except as regards making Laws and Regulations, ...	II.	I.
„ Act when to take effect, ...	„	II.
H.		
Harbour Regulations of Madras amended,....	IV.	
I.		
Inamdars holding alienated Lands within the Bombay Presidency, vested with increased powers to collect their revenue—See Jageerdars.		
Intoxicating drugs—sale of—in Calcutta regulated—See Opium, ...	I.	
J.		
Jageerdars of alienated lands within the Bombay Presidency vested with increased powers under a Commission from the Governor in Council for collecting the revenue thereof, ...	XIII.	I.
„ Commissions shall be granted or withheld at the pleasure of Government, and may be issued to the Agents of the holder of Revenue as well as to himself, ...	„	II.

Jageerdars

	Act.	Section.
	1842	
Jageerdars—The holder of the Commission may demand security for the payment of the revenue, and if it be not furnished may act under Sec. XI., Regulation XVII. of 1827, Bombay Code, ...	XIII.	III.
„ The holder of the Commission may send Mohussuls on defaulters under C. 2, 3 and 5, Sec. XII. Reg. XVII. of 1827 Bombay Code, and the Mohussulle when to cease,	„	IV.
„ The holder of the Commission to report to the Collector on attaching the property of defaulters, and how shall the Collector act if the demand appear just, ...	„	V.
„ Compulsory process to cease for what consideration. Suits of what descriptions concerning such Landholders are to be tried before Collectors and their Assistants. What shall be the penalty for enforcing processes after tender of Security, ...	„	VI.
„ Damages declared for demanding a rate of Revenue in excess of that fixed by the Government or the usual rate as declared by the Local Revenue Officers of the Village or Pergunnah—Holders of alienated Lands how to enable themselves to reassess Lands paying less than the full Jumma, ...	„	VII.
„ The Commission to extend to the Revenue of the current and preceding season, ...	„	VIII.
L.		
Laborers allowed to emigrate to the Mauritius from the Presidencies of Fort William, Madras and Bombay—See Emigration.		
Lands—the collection of Revenue on—alienated to Jageerdars facilitated within the Bombay Presidency—See Jageerdars.		
Lease for a year for giving effect to Release of freehold Estates, dispensed with—See Statute, ...	IX.	I.
Leases—grant of—by Zemindars regulated as to period and fixture of rent,—in modification of Secs. II. and III. Regulation XIV. of 1812 of the Bengal Code, ...	XVI.	
M.		
Madras Harbour Regulations amended, ...	IV.	
„ Marine Police Regulation—Sections III., IV., VII., VIII., IX. and X. repealed, ..	„	XX.

Mauritius

	Act.	Section.
Mauritius—Natives of the Company's Territories allowed to emigrate to—from the Ports of Calcutta, Madras and Bombay—See Emigrants, ...	1842 XV.	
Military Bazars—No trader in Military Cantonments shall be allowed to recover any debts in Military Court of Requests for Native Troops from persons subject to such Courts, unless such trader shall have been registered as a Military Bazar-man at the time of contracting the debt, ...	XII.	I.
Municipal Law for places of public resort or residence under the Presidency of Fort William not within Calcutta,.....	X.	
„ Two-thirds of the householders of any Town, &c. &c., may be authorized to make better provision for local purposes connected with public health and convenience,	„	„
„ Government may authorize persons from among the inhabitants whose names may be presented, to form into a Committee for effecting the local objects applied for, ...	„	II.
„ Committee may make assessments at rates necessary for effecting the objects, and appoint servants as may be requisite. Rates of assessment limited, and liability of the Committee defined, ...	„	III.
„ Government may prescribe rules for every Committee for the security of funds, remove any Member of such Committee when the trust is in danger, and appoint a Member in the room of the one removed, if none be nominated by the Committee within a month, ...	„	IV.
„ Period fixed for the Committee to render accounts of receipts and expenditures in manner and forms prescribed by the Local Government,....	„	V.
„ Magistrates or Justices of the Peace shall exercise the powers for levying rates from defaulters as specified by Act II. of 1839,..	„	VI.
„ Rates shall not be invalidated for default of form. Identification of property assessed declared sufficient, and specification of names of owners or occupiers unnecessary in the recovery of rates by the sale of property under warrant, ...	„	VII.
„ Government may dissolve Committee and appoint persons to report upon the conduct of such Committee or any Members thereof, ...	„	VIII.

Nepanee

N.	Act.	Section.
Nepanee Jagheer—certain Villages belonging to—annexed to the British Territories under the Bombay Presidency,.....	1842 VI.	
Nuisances in the Towns and Islands of Bombay and Colaba how to be prevented,.....	XIV.	
„ No offensive matter to be deposited on open space of ground contiguous to public thoroughfares, ...	„	I.
„ Court of Petty Sessions may order the owner or occupier of such open space to enclose the same, and in default cause such enclosure to be made out of the Municipal Fund. The defaulter to be liable to what penalty in such case, ...	„	II.
„ What steps to be taken for the conveyance of wastage, water, filth and other offensive matter, creating a public nuisance, and proceeding from houses or premises,.....	„	III.
„ Previes in houses how to be shut out from public view, ...	„	IV.
„ Every privy, sink, drain, water courses, compound, yard, lane or passage adjoining or belonging to houses to be kept clean to prevent their being a public nuisance, ...	„	V.
„ Deposit of filth or rubbish on the roof or weather-boards of buildings prohibited, as also suspension therefrom of things projecting over Streets. Provision made for bathing and washing clothes in public Tanks and Wells, ...	„	VI.
„ Court of Petty Sessions may require persons keeping brothels or lodging houses for Prostitutes in public roads to shut up the same or remove the Tenants, ...	„	VII.
„ Court of Petty Sessions may grant Licenses for Coffee Shop, Eating House, or any place of public resort—other than a licensed Tavern or Spirit Shop,.....	„	VIII.
„ Offences against this Act how to be disposed of by the Court of Petty Sessions,..	„	IX.
„ Fines imposed under this Act how disposable, ...	„	X.
O.		
Opium—Sale of—in Calcutta to be regulated by Laws and Regulations concerning the Sale of Spirituous Liquors in the said Town, ...	I.	

BENGAL SECRETARIAT LIBRARY

P.	Act.	Section.
	1842	
Public health and convenience of inhabitants in Towns and other places of public resort not within Calcutta, provided for—See Municipal Law, ...	X.	
R.		
Regulations for the Harbour of Madras amended, ...	IV.	
Regulations called Marine Police of Madras—Secs. III., IV., VII., VIII., IX. and X., repealed, ...	„	XX.
Regulation XXIX. of 1827 and Regulation VII. of 1830 of the Bombay Code—parts of—as relate to certain villages rescinded,	VI.	
„ XIX, 1797—Sec. V. of the Bengal Code relating to fees for Translations of Proceedings—repealed,.....	VII.	
„ IV. 1803, Sec. XXXIII., ditto ditto ditto,	„	
„ XIV. of 1812—Sec. II. and III. of the Bengal Code modified—See Leases, ...	XVI.	
„ V. of 1830 of the Bombay Code—parts of—as relates to the appointment of one Revenue Commissioner and to the exclusion of the Southern Maharatta Country from his jurisdiction, repealed, ...	XVII.	I.
Release for the Conveyance of Freehold Estates made as effectual as a Lease and Release by the same parties—(See Statute,)	IX.	I.
Revenue—Collection of—alienated within the Bombay Presidency to Jageerdars and others facilitated—(See Jageerdars.)		
Revenue Commissioners. One or more may be appointed for the Bombay Presidency, and vested with powers under Regulation V. of 1830, ...	XVII.	II.
„ Each to have such number of Deputies and Assistants as the Governor in Council may appoint, ...	„	III.
„ or their Assistants within the Bombay Presidency may exercise the powers of Collector and Magistrate of any Zillah in matters of Collection of Revenue and conduct of Revenue Officers,—except that they shall not pass sentence of punishment but forward the accused to the Magistrate for trial or committal, ...	XVIII.	I.
„ or a Collector of Revenue or his Assistant or a Sub-Collector may delegate to Native Servants of their Establishments and of certain grades, powers of preliminary in-		

vestigations.

	Act.	Section.
	1842	
vestigations. Their proceedings to whom to be sent for revision, and after revision cases how to be disposed of, ...	XVIII.	II.
Revenue Commissioners. Magistrates may continue making preliminary enquiries in the above cases, ...	"	III.
Rules for the better management of Boats and Catamarans employed in the Madras Roads—See Boats and Catamarans.		
S.		
Sattara State—Certain Villages acquired by exchange from the, ...	VI.	
Spirituous Liquors—Fee, Tax or Duty how to be demanded by Officers granting Licenses under Act XVIII. of 1840 for the sale of—in Bombay and Colaba, and how to be made payable, ...	V.	I.
" Non-payment of the Fee, Tax or Duty will subject the License to be withheld or recalled—Persons shall be liable to what penalties for selling Liquors whilst the License shall be withheld, ...	"	II.
Statute Ch. XXI. 4th and 5th Victoria for rendering a release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same parties, extended to the E. I. Company's Territories, ...	IX.	I.
Stealing Goods not exceeding in value Rs. 20 from places or persons of the nature and description mentioned—to be punished under Act XXI. of 1839, ...	III.	I.
Sudder Court—Powers vested in the Court of Sudder Dewanny Adawlut by Acts XIX. and XX. of 1841, made applicable to the Courts of the highest Civil jurisdiction in the Madras and Bombay Presidencies, and the terms Sudder Court generalized for all the Presidencies in describing Courts of the highest Civil and Criminal jurisdiction, ...	VIII.	
Sugar, Foreign—Acts XXXII. of 1836 and XV. of 1839, prohibiting the landing of—within the Presidency of Fort William or Fort St. George, made applicable to such Sugar otherwise imported, ...	XI.	
Surinjamdars holding alienated lands within the Bombay Presidency—vested with increased powers to collect their Revenue—See Jageerdar.		

Thefts

T.	Act.	Section.
	1842	
Thefts—Act No. XXI. of 1839, extended to certain cases of petty,.....	III.	I.
Translations—Rate of payment for—of proceedings for the use of Civil Courts modified, and Sec. V. Reg. XIX. 1797, and Sec. XXXIII. Reg. IV. 1803 of the Bengal Code relating thereto repealed, ...	VII.	I.
V.		
Villages—certain—belonging to the Nepanee, Jaghire and others acquired by exchange from the Sattara State annexed to the British Territories under the Bombay Government,.....	VI.	
Village of Deshoor brought under Regulations —See Deshoor.		

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INDEX

TO THE

ACTS FOR 1843.

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1843.

A.	Act.	Section.	Clause.
	1843		
Act II. of 1838, repealed,	XIV.	I.	
„ I. of 1843, concerning registration of conveyances, repealed,	XIX.	I.	
„ XXX. 1836, XVIII. 1837 and XVIII. 1839 extended,	XXIV.		
Actions—Civil and Criminal—under Clauses 1 and 2, Section VIII., Regulation VI., 1836, Madras Code, with respect to District Moonsiffs, and as extended by Section XIII., Regulation VIII. 1816, with respect to Sudder Ameens, shall be brought before Zillah Courts,	VII.	XXIII.	
Administration of Civil and Criminal justice in the Districts of Kurnool and Bunganapilly in the Madras Presidency—See Kurnool.			
Ameen's Courts—Jurisdiction and procedure of the—modified,	VI.		
See Principal Sudder Ameens, and Sudder Ameens.			
Americans—trial of—for offences committed within the jurisdiction of Principal Sudder Ameens in the Madras Presidency—See Session Judge,	VII.	XLIII.	

	Act.	Section.	Clause.
	1843		
Appeal to the Sudder Dewanny Adawlut, how to be disposed of when it appears to a single Judge that the decision appealed from requires revision, ...	II.	I.	
„ The above not to apply to summary appeals and those in miscellaneous cases, nor to interfere with the powers of a single Judge of the Sudder Court under Clause 2, Section II., Regulation X. 1831, ...	„	II.	
„ Special—to lie to the Sudder Courts at Calcutta, Allahabad, Madras and Bombay, from the decisions of Subordinate Civil Courts in regular Appeals, which may be inconsistent with Law, practice of Courts, or doubtful in these respects,	III.	I.	
„ Applications for—admissible within the limited period for regular Appeals,	„	II.	
„ Applications to be accompanied by copies of previous decrees, ...	„	III.	
„ Applications to be heard by a single Judge, and an answer called for from the opposite party, ...	„	IV.	
„ If admissible the Judge shall grant a Certificate of the points to be determined,	„	V.	
„ Judge may finally reject the petition for—if it appear inadmissable,.....	„	VI	
„ The Sudder Court shall determine only the points certified,.....	„	VII.	
„ If the ground of Appeal be incorrectly certified, the Certificate may be amended, ...	„	VIII.	
„ The existing Laws of the several Presidencies relating to—shall continue in force, ...	„	IX.	

Appeal

	Act.	Section.	Clause.
	1843		
Appeals Act not to affect the hearing of—pending before 1st May 1843, ...	III.	X.	
„ from Sentences of any Justice of the Peace in the Mofussil and from Sentences of Magistrates exercising jurisdiction under the Statute 53, George III. shall lie to the same authority, subject to the same Regulations of the Government in cases of Sentences passed by Magistrates of ordinary jurisdiction. Such Appeals shall not be afterwards liable to revision by a Writ of Certiorari, ...	IV.	I.	
„ Power of quashing convictions by a Writ of Certiorari in any other case to remain unaltered, ...	IV.	II.	
„ Section 4, Act XXV. 1837, shall extend to interlocutary orders in Appeals from the decisions of Principal Sudder Ameens, ...	VI.	II.	
„ Zillah Courts in the Madras Presidency, may take cognizance of—reserved from the jurisdiction of Subordinate Courts,	VII.	VI.	
„ shall lie to the Zillah Courts from the decrees of Subordinate Civil Courts, and of Sudder Ameens and District Moonsiffs, ...	„	VIII.	1st.
„ may be received by Subordinate Courts from the orders of District Moonsiffs under a certain provision, ...	„	„	2d.
„ Zillah Judge may refer such—to any Subordinate Judge or Principal Sudder Ameen in the Zillah, ...	„	„	3d.
„ in cases of—from the orders of District Moonsiffs dismissed by a Subordinate			

Judge

	Act.	Section.	Clause.
	1843		
Judge or Principal, Sudder Ameen without reference to their merits—the Zillah Judge may receive a Summary appeal from such order of dismissal, ...	VII.	VIII.	4th.
Appeals from decisions of Zillah Courts shall lie to the Sudr Udalut under rules applicable to Provincial Courts,.....	„	IX.	
„ A single Judge of the Sudr Udalut may dispose of—from the decisions of any inferior Courts, ...	„	X.	2d.
„ Translations of papers shall not be required to be furnished by inferior Courts to the Sudr Udalut in cases of,.....	„	XII.	
„ from the sentence or order of Magistrates vested with additional powers in the Madras Presidency may be preferred to Session Judges in what description of cases, ...	VII.	LV.	
„ pending before Provincial Courts in the Madras Presidency on the date of their abolition how to be disposed of,.....	VIII.	I.	
„ Judges appointed for the disposal of such —to be styled Special Commissioners,...	„	II.	
„ The Special Commissioner to take the Oath prescribed for Judges of Provincial Courts, ...	„	III.	
„ What description of suits shall be transferred by him to the Zillah Court,.....	„	IV.	
„ In trying original Suits and—he shall have the power of two or more Judges of the Provincial Courts,.....	„	V.	1st.
„ What course to be taken by the Special Commissioner when he differs from the Lower Court in cases of special,.....	„	„	2d.

Appeals

	Act.	Section.	Clause.
	1843		
Appeals—Execution of decrees of the Special Commissioners, and also of the Provincial Courts for which process was not issued, to whom to be committed, ...	VIII.	VI.	
„ Zillah Courts shall complete execution of Decrees of the Provincial Courts under process previously issued,.....	„	VII.	
„ shall lie to the Sudr Udalut from decisions of Zillah Judges, Assistant Judges, and Principal Sudder Ameens, passed previously to the abolition of the Provincial Courts in cases in which the time for appealing had not expired at the date of their abolition,.....	„	VIII.	
„ Ministerial Officers and Vakeels of the Courts of Special Commissioners to be subject to the Rules applicable to those of the Provincial Courts,.....	„	IX.	
Articles of Foreign manufacture bearing names, brands or marks of British Manufacturers, imported into the Company's Territories, shall be forfeited, ...	XXV.		
Assistant Judges appointed to Zillah Courts —power of—See Courts.			
B.			
Bank at Madras how incorporated, ...	IX.	I.	
„ Shares not paid for before 1st May 1843, how to be disposed of,.....	„	II.	
„ What shall be the Capital Stock of the —and who shall be the Proprietors of the Stock, ...	„	III.	

	Act.	Section.	Clause.
	1813		
Bank at Madras—Government of India may increase the Capital Stock by opening new subscriptions, ...	IX.	IV.	
„ the Stock of the—how to be divided and what shall be the value of each Share, ...	„	V.	
„ notice being given of the opening of the—it may sue and be sued by its corporate name and may also acquire and hold any description of property and convey the same, ...	„	VI.	
„ on the opening of the—the business of the present Government Bank of Madras shall cease, and all its cash notes then outstanding be paid by the new,...	„	VII.	
„ Amount paid on account of Notes of the Govt. Bank how to be repaid to the,	„	VIII.	
„ A Certificate to be granted to each Proprietor for one or more Shares, ...	„	IX.	
„ Number of Shares to be held by each Proprietor limited, and not to be increased except as mentioned,.....	„	X.	
„ Shares of—may be transferred by endorsement, ...	„	XI.	
„ the corporate body of the—shall be composed of the registered Proprietors for the time being,.....	„	XII	
„ Business of the—shall be managed by Nine Directors and these by whom to be appointed and removed,.....	„	XIII.	
„ Rule prescribed for the election of Directors, ...	„	XIV.	
„ Two Directors out of Six elected by the Proprietors shall go out by rotation			

annually

	Act.	Section.	Clause.
	1813		
annually, and a general meeting of Proprietors shall be held for supplying their place,.....	IX.	XV.	
Bank at Madras—Provision in case of casualties, &c. occurring in the Direction,...	„	XVI.	
„ What would disqualify a Proprietor from becoming a Director, ...	„	XVII.	
„ Every election and other matters shall be decided by a majority of votes. Proprietors by purchase not allowed to vote until after a certain period,.....	„	XVIII.	
„ Scale regulating votes of Proprietors, ...	„	XIX.	
„ Government may vote by proxy, such proxy having four votes,.....	„	XX.	
„ Individual Proprietors may vote by proxy and in what manner, ...	„	XXI.	
„ Directors may appoint a President from among themselves, who shall have a casting vote, ...	„	XXII.	
„ No less than three Directors shall form a Board for the transaction of business, ...	„	XXIII.	
„ Accounts and instruments not valid unless signed by three Directors—and the latter sealed in their presence,	„	XXIV.	
„ Establishment for conducting business shall be under the Directors. Expence limited to 50,000 Rupees per Annum,	„	XXV.	
„ Certain of the Officers shall not engage in any Commercial business, and shall each give Security for 50,000 Rupees,	„	XXVI.	
„ kinds of business in which the Bank shall engage, ...	„	XXVII.	

Bank

	Act.	Section.	Clause.
	1843		
Bank at Madras—Negotiable Securities shall not be discounted, nor Loans made unless funds to certain extent are available for meeting outstanding claims,	IX.	XXVIII.	
„ Terms on which Loans and Advances shall be made on Negotiable Securities —limitation of period and amount, ...	„	XXIX.	
„ Loans how to be made on Public Securities and Deposit of Goods,.....	„	XXX.	
„ shall not advance to Government more than Rupees Seven Lacs and Half at a time, ...	„	XXXI.	
„ No person allowed to overdraw, ...	„	XXXII.	
„ May issue Promissory Notes payable on demand or at 30 days date to the extent mentioned,.....	„	XXXIII.	
„ Issue of Notes, Bills, &c., to be confined within the limits of India,.....	„	XXXIV.	
„ Deposit of Goods not perishable may be received, ...	„	XXXV.	
„ Books shall be balanced on the 30th June and 31st December every year, and a Statement of the Balance sent to the Government who may demand any information touching the affairs of the Bank, ...	„	XXXVI.	
„ Rule regulating dividends of the profits,	„	XXXVII.	
„ General Meeting of the Proprietors shall be held on the first Monday of March every year, ...	„	XXXVIII.	
„ Three Directors or ten Proprietors may convene a meeting upon fifteen days previous notice of the meeting and its purpose, ...	„	XXXIX.	

Bank

	Act.	Section.	Clause.
	1543		
Bank at Madras—Branch Banks may be established under the rules and restrictions prescribed by this Act for the Bank itself, ...	IX.	XL.	
„ Mode of recovering payment from Proprietors who may be in debt to the Bank, ...	„	XLI.	
„ shall continue as now constituted until 1st July 1850, and thereafter until dissolved, which it shall not be without a previous notice of twelve months. Bank to forfeit all benefit of this Act in suspending any cash payment, ...	„	XLII.	
„ Schedules of the names of Proprietors,	„		
Bunganapilly in the Madras Presidency—administration of Justice and Collection of Revenue in the District of—See Kurnool.			
C.			
Calcutta—Jurisdiction of the 24-Pergunnahs Zillah Court in Suits against residents of—See 24-Pergunnahs.			
Ditto—ditto of Courts in the Provinces ceded by the Nawaub Vizier and other Zillah Courts—See Provinces and Courts.			
Cases—Criminal—pending at the time of the abolition of Zillah and Provincial Courts in the Madras Presidency how to be disposed of, ...	VII.	LVI.	
Commissioners appointed to investigate the public conduct of Officers within the Madras Presidency—See Inquiries.			

	Act.	Section.	Clause.
	1863		
Conduct—public—of Officers under the Government of Madras not removeable without its sanction—inquiries held into—See Inquiries.			
Conveyances of Lands in the Mofussils of Bengal, Madras and Bombay—Registration of—regulated, ...	I.		
Cotton—Duty on—Imported into the North Western Provinces—(See Duties.)			
Courts of Justice within the Company's Territories shall write their decisions, &c. in what language—See decisions.			
Courts—Provincial—in the Madras Presidency—abolished, ...	VII.	I.	
Courts—Zillah—established in the Madras Presidency to be superintended by one Judge to be styled Civil and Session Judge, ...	"	II.	
" shall exercise what jurisdiction and authority and be subject to what rules and restrictions, ...	"	III.	
" original jurisdiction of the Provincial Courts in suits for less than 10,000 Rupees transferred to the Subordinate Zillah Courts, ...	"	IV.	
" shall take cognizance of appeals which by Section VIII. of Regulation VII. 1827, are reserved from the Subordinate Courts, ...	"	VI.	
" Zillah—appeals shall lie to the—from the decrees of Subordinate Civil Courts and of Sudder Ameens and District Moonsiffs.	"	VIII.	1st.

Courts

	Act.	Section.	Clause.
	1843		
Courts—Subordinate may receive appeals from the orders of District Moonsiffs under certain circumstances mentioned,	VII.	VIII.	2d.
„ The Judge of—may refer such appeals to any Subordinate Judge or Principal Sudder Ameen in the Zillah, ...	„	„	3d.
„ The Judge of—may receive summary appeals from the orders of Subordinate Judges or Principal Sudder Ameens in cases of appeals from the decisions of District Moonsiffs dismissed by Subordinate Judges or Principal Sudder Ameens without reference to the merits,	„	„	4th.
„ Appeals from the decisions of—shall lie to the Sudr Udalut under rules applicable to the Provincial Courts, ...	„	IX.	
„ May confirm the decision of inferior Courts, or refer it back to the Court whose order is appealed against, ...	„	XI.	
„ Zillah—may refer the execution of decrees of the Sudr Udalut and of their own Courts, to the Subordinate Judges, or Principal Sudder Ameens,	„	XIV.	
„ All other processes of the Sudr Udalut and those of the—by whom to be served, ...	„	XV.	
„ The power of suspending Sudder Ameens vested in the Judges of, ...	„	XVI.	
„ Parts of Regulations VI. and VII. 1816, in which Zillah Judge is mentioned shall be applicable to—excepting Section LVI. Regulation VI. 1816, which shall be applicable to Subordinate Judges and Principal Sudder			

Ameens,

	Act.	Section.	Clause.
	1833		
Ameens, as extended by Section V. Regulation III. 1833, ...	VII.	XVII.	1st.
Courts may employ District Moonsiffs for the purposes specified in Sections LX. and LXI. Regulation VI. 1816,.....	"	"	2d.
" may call up under Section LIV. Regulation VI. 1816, any cause pending before a District Moonsiff, and may refer it to Courts named, ...	"	XVIII.	
" may refer to the Subordinate Judges and Principal Sudder Ameens, applications for the execution of decrees of District Punchayets, ...	"	XX.	
" Zillah—may pass orders on complaints preferred under Section XI. Regulation VII. 1816, according to Clause 4 thereof,	"	XXI.	
" ditto — ditto — ditto, under Section XXVII. Regulation VII. 1832, ...	"	XXII.	
" shall exercise the Criminal jurisdiction heretofore exercised by the Courts of Circuit,.....	"	XXVI.	
" shall hold permanent Sessions for the trial of persons committed by the Subordinate Judges, or Principal Sudder Ameens, ...	"	XXVII.	
See Sessions.			
" Prosecutions against Magistrates and their Assistants under Section XLIII. Regulation IX. 1816, to be instituted in the,	"	XXXVIII.	
" may exercise the power of Subordinate Civil and Criminal Courts constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, besides that of its own,.....	"	XLV.	

Courts

	Act.	Section.	Clause.
	1843		
Courts—Subordinate Officers and Vakeels appointed to—shall be subject to what rules,	VII.	L.	
„ Law Officers ditto—ditto—ditto,	„	LI.	
„ Zillah—Assistant Judges appointed to —may try appeals referred to them by the Judge,	„	LII.	
„ Government may change the Stations and local jurisdiction of—also abolish and establish new,	„	LIII.	
„ Criminal cases depending before the abolition of the former Civil and Criminal Zillah Courts how to be disposed of,	„	LVI.	
„ Zillah—Law concerning jurisdiction of —in Provinces ceded by the Nawaub Vizier and other Zillah Courts—over persons residing in Calcutta, amended,	XXIII.		
Criminal jurisdiction of Courts of Circuit vested in Zillah Courts—See Courts.			
Criminal cases depending at the time of the abolition of the Zillah and Provincial Courts,	VII.	LVI.	
D.			
Dacoits—persons proved to have belonged to gangs of—within or without the Company's Territories how punishable, See Acts.	XXIV.	I.	
„ Persons accused of dacoity with or without murder, or of having belonged to a gang, or of receiving stolen property, may be committed by any Magistrate, and tried by any Court,	„	II.	

	Act.	Section.	Clause.
	1843		
Dacoits—In such trials Futwa of Law Officers not requisite,	XXIV.	III.	
Dacoity—persons sentenced to imprisonment or transportation for—by Courts within the Territories of Native States may be kept in custody within the Company's Territories—See Thuggee.			
Decisions, &c. of the Sudder and Zillah Courts and of the Subordinate or Assistant Judges of Zillahs, shall be written originally in English at the time of pronouncing the decision and then translated into the Vernacular language of the Court,	XII.	I.	
„ Regulations of the Madras and Bombay Code, concerning the use of the English language, in certain of the Company's Courts of Justice in particular cases to remain unaffected,	„	II.	
„ of Principal Sudder Ameens, Sudder Ameens and Moonsiffs, shall be written in their own language and then translated in the language used in the Court,	„	III.	
Decrees—execution of—passed by Judges and Principal Sudder Ameens, in appeal from decision of Sudder Ameens and Moonsiffs—See Sudder Ameens and Moonsiffs.			
„ of the Sudr Udalut in the Madras Presidency—the execution of—may be referred by the Zillah Courts to the Subordinate Judges and the Principal Sudder Ameens,	VII	XIV.	

Decrees

	Act.	Section.	Clause.
	1843		
Decrees in Company's Courts of Justice—language in which they are to be written—See decisions.			
Deputy Collector under Regulation IX. 1833—No Native or natural born subject of Her Majesty within the Company's Territories by reason of religion, place of birth, descent or color disabled from serving as, ...	XV.	VI.	
Deputy Magistrates — Uncovenanted — employment of—See Uncovenanted Deputy Magistrates.			
Duties of Customs—Rates of—to be levied upon Import of Salt into the North Western Provinces, and on its transmission to the East of Allahabad—and on Cotton, cleaned and uncleaned—also on the Export of Sugar, refined and unrefined—Import of Sugar into the North Western Provinces to remain prohibited, ...	XIV.	II.	
„ Government of the North Western Provinces may issue orders for the collection of—in such manner, on such lines and at such places as may be expedient, ...	„	III.	
„ Articles imported or exported without payment of—or contrary to the orders of Government shall be seized and confiscated with their respective conveyances, ...	„	VI.	
„ Evasion of payment of—or acting contrary to the Provisions of this Act or order of Government how punishable,	„	VII.	

Duties

	Act.	Section.	Clause.
	1843		
Duties—Carriages and conveyances and packages may be searched upon suspicion,	XIV.	VIII.	
„ Collectors of Land Revenue and Customs or their Deputies shall report seizures of articles to the Revenue Commissioner who shall dispose of the case as he may think fit,	„	IX.	
„ Customs Officers may make over to the Magistrates for trial persons suspected of being liable to punishment under this Act,	„	X.	
„ Customs Officers searching conveyances or packages, or apprehending persons without reasonable grounds how punishable,	„	XI.	
„ Magistrates shall try persons made over to them under this Act, and their sentences shall be open to appeal as in ordinary cases,	„	XII.	
„ Officers of Police and Land Revenue required to assist the Customs Officers,	„	XIII.	
„ Act not applicable to the Saugor and Nerbudda Territories or Districts of Ajmere,	„	XIV.	
E.			
Emigration of Laborers to Mauritius confined to the Port of Calcutta, for securing a larger proportion of female emigrants,	XXI.	I.	
„ Government of India may appoint a Protector of Emigrants at Calcutta, who shall countersign Certificates from			

the

	Act.	Section.	Clause.
	1843		
the Agent appointed by the Mauritius Government of persons engaged as Emigrants, ...	XXI.	II.	
Europeans—trial of—for offences committed within the jurisdiction of Principal Sudder Ameens in the Madras Presidency, ...	VII.	XLIII.	
See Session Judge.			
Execution of decrees passed by Judges or Principal Sudder Ameens, in appeal from decision of Sudder Ameens and Moonsiffs —See Sudder Ameens and Moonsiffs.			
Execution of decrees of the Sudr Udalut in the Madras Presidency—See Decrees.			
Execution of decisions of District Punchayets—See Punchayets.			
Execution of decrees of the Special Commissioners appointed to dispose of cases pending on the abolition of the Provincial Courts of Appeal in the Madras Presidency, and of the Provincial Courts for which process was not issued, ...	VIII.	VI.	
See Appeals.			
F.			
Foreign articles bearing names, marks or brands, of British manufacturers, imported into the Company's Territories, shall be forfeited, ...	XXV.		
Foujdaree Udalut—a single Judge of—may reverse the proceedings of any inferior Court provided the reversal be in favor of the accused, ...	VII.	XXXIII.	

	Act.	Section.	Clause.
	1843		
Foujdaree Udalut—if a single Judge concur with the Session Judge whether for conviction or acquittal, he may pass a final sentence except for capital punishment,	VII.	XXXIV.	
„ on a review of the Abstract Statement of Prisoners punished without reference, may mitigate the sentence passed by Session Judges which may appear illegal or two severe, and may annul sentences which may be opposed to Regulations in force,	„	XXXV.	
G.			
Governor General may exercise powers of the Governor General in Council during his absence from Calcutta, except making Laws and Regulations,	XX.	I.	
„ Act when to take effect,	„	II.	
II.			
Hereditary Officers under the Bombay Presidency employed in any Department of the administration of the Country, shall render their services to the Collector or other Officer under whose control they may be placed,	XI.	II.	
„ When duties of—fall in more than one Department, Government shall prescribe under whose control they shall be placed	„	III.	

Heriditary

	Act.	Section.	Clause.
	1843		
Hereditary Officers under the Bombay Presidency, selection of—how to be made when their duties are to be performed in rotation by different sharers, ...	XI.	IV.	
„ Controlling Officer may refuse to confirm the nomination by the sharers of any individual—appeal against such decisions shall lie to the Government,	„	V.	
„ Officiating—may be punished by Controlling Officers for misconduct or neglect of duty, and in what manner,...	„	VI.	
„ Officiating—may after due investigation be dismissed by Controlling Officers for misconduct or incompetency, subject to the approval of the Government, ...	„	VII.	
„ In holding an investigation as above, the Controlling Officer shall have the power of a Magistrate, ...	„	VIII.	
„ being convicted of any criminal offence, Government may direct confiscation of the wuttun, and appoint persons for the performance of their duties. The surplus proceeds of the wuttun how to be disposed of, ...	„	IX.	
„ duties of—shall not be performed by females in person, ...	„	X.	
„ When disqualified from acting themselves may appoint deputies, and in default of their so doing the Controlling Officer may appoint, ...	„	XI.	
„ Deputies shall be subject to the same rules and penalties as their principals, and if deputies appointed by the Hereditary Officers are convicted,			

the

	Act.	Section.	Clause.
	1843		
the wuttun of office shall be confiscated,.....	XI.	XII.	
Hereditary Officers in the Bombay Presidency—right of sharers to participate in the rents and profits of any Heriditary Office, provisions being made for the fit maintenance of the Officiating Hereditary Officer, ...	„	XIII.	
„ Fit remuneration may be assigned to deputies appointed by Controlling Officers from the profits of the office,...	„	XIV.	
„ Applicability of the terms "Hereditary District or Village Office or Officers," or "Hereditary District Village Revenue Office or Officers,"	„	XV.	
I.			
Inquiries into the public conduct of Officers within the Madras Presidency not removeable without the sanction of Government, and subject to the Courts of Sudr and Foujdary Adawlut or the Board of Revenue—what preliminary steps shall be taken by the Court or Board before making, ...	XIII.	II.	
„ Charges against such Officers to be preferred by the complainant to the Sudr Court or the Board of Revenue, who may call for explanations from the accused party, ...	„	III.	
„ Charges may also be made before any Judge, Magistrate or Collector, who shall send depositions of the complain-			

ant

	Act.	Section.	Clause.
	1843		
ant to the Sudr Court and the Board of Revenue as the case may be, ...	XIII.	IV.	
Inquiries—Charge not admissible unless made upon oath, ...	"	V.	
" Sudr Court and the Board may dismiss the charge if they do not see sufficient reason for entering into the inquiry, notifying such dismissal to the Government, ...	"	VI.	
" Sudr Court and Board may require the complainant to furnish security for prosecuting the charge to a conclusion, ...	"	VII.	
" The Sudr Court and Board may institute inquiries into matters implicating the conduct of public Officers appearing in the course of any proceedings before them, for reporting to the Government although no charge be preferred, ...	"	VIII.	
" If deemed necessary Government may appoint Commissioners for making a regular inquiry, ...	"	IX.	
" Such Commissioner to be placed under what control, ...	"	X.	
" Form of Oath to be taken by the Commissioners, ...	"	XI.	
" Government to decide whether the prosecution shall be conducted by the accuser or the Government, ...	"	XII.	
" Forms of procedure of the Commission,	"	XIII.	
" Commissioner to be vested with the power of Zillah Courts except in certain respect as mentioned, ...	"	XIV.	

	Act.	Section.	Clause.
	1843		
Inquiries—Both the accused and accuser may record their respective remarks and observations at the close of the evidence for the prosecution and defence, ...	XIII.	XV.	
„ After the conclusion of the proceedings Commissioners shall submit them to the Government, or the controlling Court or Board, as the case may be, with their own opinion, ...	„	XVI.	
„ Government or Controlling Court or Board may call for further evidence and explanation, ...	„	XVII.	
„ The Court or Board after receipt of the Commissioner's Report, shall submit the proceedings to the Government with their own opinion as to what charges have been established, ...	„	XVIII.	
„ On a Special Commission being appointed Government shall decide whether the accused Officer shall be suspended from office, and whether he shall draw his allowances or not, ...	„	XIX.	
„ On consideration of the proceedings Government will pass such decision as may appear consistent with its power, and if necessary instruct its Law Officers to prosecute the accused before a Court of Law. Aggrieved parties may at all times seek redress by Law against the accused, ...	„	XX.	

Jail

	Act.	Section.	Clause.
J.	1843		
Jail—Zillah—in the Madras Presidency shall be placed under the Session Judge under what circumstances,.....	VII.	XLVIII.	
„ to be placed under the charge of the Judge of the Subordinate Criminal Court under what circumstances, ...	„	XLIX.	
Judicial system of the Madras Presidency modified—See Courts.			
Justice—administration of Civil and Criminal—in the Districts of Kurnool and Bunganapilly in the Madras Presidency —See Kurnool.			
Justice of the Peace in the Mofussil—Law concerning appeals from—amended, See Appeals.	IV.		
K.			
Kurnool and Bunganapilly in the Madras Presidency—administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of—may be vested in an Agent and his Assistants, ...	X.	I.	
„ Government may prescribe rules for guidance of Agent and his subordinates and fix the limit of the agent's final civil jurisdiction, and of appeals to the Sudr Udalut, and may define his authority in criminal trials, and what cases shall be submitted to the Foujdaree Udalut, ...	„	II.	

Kurnool

	Act.	Section.	Clause.
	1813		
Kurnool and Bunganapilly in the Madras Presidency—On trials referred Foujdarree Udalut shall pass judgment or order as in cases from a Judge of Circuit, ...	X.	III.	
„ Civil appeals to be decided by Sudr Udalut as appeals from Provincial Courts,	„	IV.	
„ Government may alter the limits of the Agent's jurisdiction, ...	„	V.	
L.			
Lands in the Mofussils of Bengal, Madras and Bombay—registration of the conveyances of—regulated, ... See Conveyances.	I.		
Language in which decisions of Company's Courts of Justice shall be recorded—See decisions.			
Law Officers to the Zillah Courts in the Madras Presidency, ... See Courts.	VII.	LI.	
M.			
Magistrates—Law concerning appeals from—acting under Statute 53, Geo. III. Chapter 155 amended. See Appeals.			
Magistrates and their Assistants in the Madras Presidency may be prosecuted under Section XLIII. Regulation IX. 1816, in the Zillah Courts, ...	„	XXXVIII.	
„ to be reported to the Foujdaree Udalut by the Session Judge for any neglect or delay on their part by which the course of justice has been impeded, ...	„	XLI.	

Magistrates

	Act.	Section.	Clause.
Magistrates in the Madras Presidency—the powers of—under Regulation IX. of 1816, extended,	VII.	LIV.	1st.
„ may exercise the powers of Criminal Judges as under Section VII. Regulation X. of 1816,	„	„	
„ What shall be the form of their procedure in such case,	„	„	2d.
„ Appeals from the sentence or orders of —may be preferred to Session Judges in such cases,	„	LV.	
Mauritius—Emigrants to—See Emigration.			
Moonsiffs—such parts of Regulation XXIII. 1814, Bengal Code, as prohibit—from requiring security from defendants attaching their property or realizing fines, repealed,	VI.	III.	
„ may demand security from the defendants under Sections 4 and 5, Regulation II. 1806, and realize fines imposed by them,	„	IV.	
„ shall execute decrees of the Judges or Principal Sudder Ameens, in appeals from their decisions. Applications for such executions where to be made. Judge's decision in appeals from the orders of Moonsiffs in such cases to be final,	„	V.	
„ No person by reason of place of birth or descent shall be exempted in civil proceedings from the jurisdiction of,	„	VII.	
„ may receive and try suits of every description under the restrictions as in Clauses 1, 2, and 3, Section 5,			

	Act.	Section.	Clause.
	1843		
Regulation V. 1831, except in cases mentioned, ...	VI.	VIII.	
Moonsiffs may receive and forward to the Judge cases which it may be objectionable for him to try for reasons stated in order that the Judge may refer them to another Moonsiff, ...	„	IX.	
„ in the Madras Presidency, may be employed by Subordinate Judges, Principal Sudder Ameens and Judges of Zillah Courts, for purposes mentioned in Sections LX., and LXI. Regulation VI. 1816, ...	VII.	XVII.	2d.
„ Cases pending before—may be called up under Section LIV. Regulation VI. 1816, by the Zillah Judge, and referred to other Courts as mentioned, ...	„	XVIII.	
„ Suits forwarded to the Zillah Judge by—Clause 2d, Section III. Regulation I. 1829, in which they may be interested, how to be disposed of,...	„	XIX.	
„ Civil actions and Criminal prosecutions under Clause 1. and Section VIII. Regulation VI. 1816, with respect to District—shall be brought before the Zillah Courts,.....	„	XXIII.	
N.			
Nawaub Vizier—Law relating to the jurisdiction over Residents of the Town of Calcutta, of the Zillah Courts in the Provinces ceded to the Company by the—amended,.....	XXIII		

Officers

	Act.	Section.	Clause.
O.	1845		
Officers—European—and others within the Madras Presidency, not removeable without the sanction of Government, inquiries into the public conduct of—See Inquiries.			
P.			
Police—dismissal of Native Officers of—by the Foujdaree Udalut for misconduct,	VII.	XXXIX.	1st.
„ Superintendence of—in the Districts of Kurnool and Bunganapilly in the Madras Presidency—See Kurnool.			
Principal Sudder Ameens shall be guided in the decision of original suits by the rules of the Judges' Courts,..... ..	VI.	I.	
„ Section 4, Act XXV. 1837, shall extend to interlocutary orders in cases appealed from the decision of, ...	„	II.	
„ In the Madras Presidency how to act in cases where he has to call upon Collectors or other European Officers in matters before their Courts,.....	VII.	VII.	1st.
„ shall take what course if such Officers do not comply with their requisitions,	„	„	2d.
„ may confirm the decision of inferior Courts if there be no sufficient ground for impugning its correctness without reference to the order of the file or requiring the attendance of the opposite party, or may refer it back for revision			

to

	Act.	Section.	Clause.
to the Court whose order is appealed, against, ...	VII.	XI.	
Principal Sudder Ameens may commit to the Session Judge, prisoners brought before them charged with crimes subject to his jurisdiction, ... See Session Judges.	„	XXIX.	
„ may communicate directly with the District Police Officers, for obtaining evidence in cases of prisoners forwarded by them, ...	„	XLII.	
„ trial of Europeans and Americans—for offences committed within the jurisdiction of, ... See Session Judges.	„	XLIII.	
„ European—at Cochin may exercise all the powers of a Criminal Court constituted under Regulation II. 1827, and of a Joint Magistrate, ...	„	XLVII.	
Processes of the Sudr Udalut in the Madras Presidency, described in Sections 13 and 14 of Regulation V. of 1802, to be directed to the Zillah Courts, ...	„	XIII.	
—all other—of the said Court by whom to be served, ...	„	XV.	
Property subject to any Trust vested in Registrar of the Supreme Court, when Trustees to such property are incapable of acting as such—See Trustee.			
Provinces ceded by the Nawaub Vizier—Law relating to the jurisdiction of Zillah Courts in the—and other Zillah Courts over persons residing in Calcutta, amended, ...	XXIII.		

Provincial

	Act.	Section.	Clause.
	1843		
Provincial Courts of Appeal and Circuit in the Madras Presidency abolished, and new Zillah Courts established instead, See Courts.	VII.	I.	
„ Criminal cases pending before—at the time of their abolition how to be disposed of, ...	„	LVI.	
Provincial Courts of Appeal in the Madras Presidency—disposal of cases pending before—on the date of their abolition, See Appeals and Suits.	VIII.		
Punchayets—applications for the execution of decisions of District—may be referred by Zillah Judges to Subordinate Judges and Principal Sudder Ameens,	„	XX.	
R.			
Registrar of Supreme Court vested with the administration of trust property when the Trustee of such property is incapable of acting—See Trustee.			
Registration* of Conveyances of Lands within the Mofussils of Bengal, Madras and Bombay, regulated, ...	I.		
Registration of Deeds of Sale, Gift or Mortgage—Law respecting—amended for removing doubts as to their authenticity,.....	XIX.	II.	
„ Confined to particular conveyances or instruments affecting title to land,.....	„	III.	
Regulations of the Bengal, Madras or Bombay Codes, touching the invalidity			

* Repealed by Act XIX of 1843.

of

	Act.	Section.	Clause.
of conveyances affecting titles to Lands owing to the knowledge by parties registering such conveyances of the existence of an unregistered conveyance of the same, repealed—See Conveyances.	143		
Regulation XXV. 1814, Bengal Code—Section 16 of—modified, ... See Appeals.	II.		
„ V. 1831, Bengal Code, Clause 4, Section 18 of—modified, ...	VI.	I.	
„ XXIII. 1814, Bengal Code—parts of —repealed,.....	„	III.	
„ II. 1806, Bengal Code, Sections 4 and 5 of—extended to Sudder Ameens and Moonsiffs, ...	„	IV.	
„ V. 1831, Bengal Code—Section 22 of —modified,.....	„	V.	
„ XXIII. 1814, Bengal Code, Clause 2, Section 13 of—repealed, ...	„	VI.	
„ V. 1831, same Code, Clause 4, Section 5 of—repealed, ...	„	„	
„ VII. 1827, Madras Code—Section 7 of —rescinded, ...	VII.	V.	
„ Ditto ditto ditto, Section 9 of—modified,.....	„	VII.	
„ of the Madras Code requiring inferior Courts to furnish the Sudr Udalut with translations of papers, rescinded,	„	XII.	
„ V. of 1802, Madras Code—Sections 13 and 14 of—modified, ...	„	XIII.	
„ III. 1833, same Code—Section VI. of —modified,.....	„	XVI.	
„ VI. and VII. of 1816—all parts of—in which Zillah Judge is mentioned shall			

be

	Act.	Section.	Clause.
	1843		
be applicable to Zillah Courts excepting Section LVI. Regulation VI. 1816, which shall be applicable to Subordinate Judges and Principol Sudder Ameens as extended by Section V., Regulation III. of 1833, of the same Code,	VII.	XVII.	1st.
Regulation VI. of 1816—same Code—all parts of—in which Provincial Court is mentioned shall be applicable to Sudr Udalut,	„	„	
„ VIII., 1816, same Code, Section III. of—rescinded,	„	XXIV.	
„ VIII. 1816, same Code, Section XIV. of—modified,	„	XXV.	
„ XIII. 1832, same Code, Section II. of—rescinded,	„	XXVIII.	
„ X. 1816, same Code, Clauses 1st and 3d, Section IX. of—modified,	„	XXIX.	
„ III. 1833, of the same Code—Section II. of—modified,	„	XXXVI.	
„ Section 26, Regulation X. 1816, Clauses 2 and 3, Section 4, Regulation II. 1822, Clause 2, Section 5, and Clauses 2 and 4, Section VIII., Regulation VI. 1827, Madras Code, made applicable to Session Judges,	„	XXXVII.	
„ IX. 1816, Madras Code, Section 43 of—modified,	„	XXXVIII.	
„ XIII. 1832, same Code, Section III. of—modified,	„	XXXIX.	
„ XVI. 1827, Bombay Code—Sections 17 and 18 of—rescinded,	XI.	I.	
„ III. 1809, II. 1810, VI. 1818 and VIII. 1822, Madras Code—repealed,	XIII.	I.	

Regulation

	Act.	Section.	Clause.
	1837		
Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and other Regulations and Acts as affect Customs Duties or Manufacture of Salt in the North Western Provinces of the Bengal Presidency, repealed, ...	XIV.	I.	
„ IX. 1808, Bengal Code, Sections 2 and 3 of—and Regulation XVI. 1810, Sections XVI. and XVII. of—respecting the offering of Rewards for the apprehension of offenders—repealed,...	XVI.	I.	
„ III. 1793, part of Section XVII. of—as relates to the jurisdiction of Zillah 24-Pergunnahs, repealed—See Twenty-four Pergunnahs,.....	XXII.		
„ II. 1803, Bengal Code, Section XII. of—as regards the jurisdiction of Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Company over residents in Calcutta, and other Regulations extending the same to other Provinces, Zillahs and Pergunnahs, repealed,.....	XXIII.		
Revenue—Collection and Superintendence of—in the Districts of Kurnool and Bunganapilly—See Kurnool.			
Rewards—Rules respecting the offering of —for the apprehension of offenders, amended,.....	XVI.		
S.			
Salt—Rates of duty on import of—in the North Western Provinces,.....	XIV.	II.	

Salt

	Act.	Section.	Clause.
	1843		
Salt—manufacture of alimentary—throughout the N. W. Provinces of Bengal, without sanction of Government prohibited under penalty,	XIV.	IV.	
„ Collector of Customs and Land Revenue may destroy all works for the manufacture of Salt, seize the Salt and commit the persons concerned to the Magistrate,	„	V.	
Session Judges in the Madras Presidency shall proceed in what manner in trying prisoners committed before them,	VII.	XXX.	
„ to be associated by the Mahomedan Law Officer of their Courts in the trial of prisoners subject to the Regulations applicable to Law Officers sitting with the Courts of Circuit,	„	XXXI.	
„ may avail of the assistance of Native Assessors or Members of their Courts and in what manner,	„	XXXII.	1st.
„ The Law Officer to be one of the Assessors or Jury,	„	„	2d.
„ shall pass the decision according to their own opinion whether they agree with the Assessors or not—if they differ the case to be referred to the Foujdaree Udalut for confirmation,	„	„	3d.
„ may overrule judgments passed by Sudder Ameens in criminal cases,	„	XXXVI.	
„ Section XXIV. Regulation X. 1816, Clause 2 and 3, Section IV. Regulation II. 1822, Clause 2, Section V., and Clauses 2 and 4, Section VIII. Regulation VI. 1827, made applicable to,	„	XXXVII.	

	Act.	Section.	Clause.
	1813		
Session Judges—Prosecutions against Magistrates and their Assistants under Section 43, Regulation IX. 1816, shall be instituted in the Court of,.....	VII.	XXXVIII.	
„ shall notify to the Foujdaree Udalut the misconduct of Native Police Officers noticed by them in a case investigated by themselves or by Subordinate Judges or Principal Sudder Ameens, ...	„	XXXIX.	1st.
„ shall furnish a copy of their Report to the Magistrate, and the Foujdaree Udalut shall pass a final order on receipt of the Magistrate's answer,.....	„	„	2d.
„ shall notify to the Magistrate any minor offences of the Subordinate Officers of Police, and record such notifications in the periodical returns to the Foujdaree Udalut, ...	„	XL.	
„ shall notify to the Foujdary Udalut any neglect of the Magistrate or his Subordinate Officers, by which the course of justice has been impeded, ...	„	XLI.	
„ may communicate directly with the District Officers of Police for obtaining evidence in cases of prisoners forwarded by them, ...	„	XLII.	
„ may try Europeans and Americans for offences committed within the jurisdiction of the Principal Sudder Ameen, and not punishable by the Magistrate,	„	XLIII.	
„ may take cognizance of criminal cases subject to the jurisdiction of the Subor-			

dinate

	Act.	Section.	Clause.
	1843		
dinate Courts and their own and sent by the Magistrate,.....	VII.	XLIV.	
Session Judges may exercise the criminal jurisdiction of Subordinate Courts constituted under Regulations I. and II. or VII. and VIII. 1827,.....	„	XLV.	
Single Judge of the Foujdaree Udalut—Power of—in the reversal of the decisions of inferior Courts—See Foujdaree Udalut.			
Slavery—Sale of persons in execution of decrees or on account of demand of Revenue, and the right to the compulsory labor of persons on the ground of —prohibited,.....	V.	I.	
„ Right of property in the person and services of another as a slave not to be enforced by any Civil or Criminal Court, ...	„	II.	
„ Property acquired by slaves protected,	„	III.	
„ Penal offences done to slaves how cognizable,..	„	IV.	
Special Appeals—See Appeals.			
„ Commissioners to be appointed for the disposal of cases pending before the late Provincial Courts in the Madras Presidency—See Appeals and Suits.			
Stolen property—persons accused of receiving from others concerned in Dacoitees committed within or without the Company's Territories, how punishable—See Dacoits.			
Subordinate Judges in the Madras Presidency may confirm the decision of			

lower

	Act.	Section.	Clause.
	1831.		
lower Courts, or refer it back to the Court whose order is appealed against,	VII.	XI.	
Subordinate Judges in the Madras Presidency may employ District Moonsiffs for the purposes specified in Sections 60 and 61, Regulation VI. 1816, ...	„	XVII.	2d.
„ may commit to the Session Judge prisoners brought before them charged with crimes subject to his jurisdiction,	„	XXIX.	
„ may communicate directly with District Police Officers for obtaining evidence in cases of prisoners forwarded by them,	„	XLII.	
„ Officers appointed to Zillah Courts—See Courts.			
Sudder Ameens—parts of Regulation XXIII. 1814, Bengal Code, which prohibit from requiring security from defendents, or attaching their property or realizing fines—repealed, ...	VI.	III.	
„ may demand security from defendents under Sections 4 and 5, Regulation II. 1806, and realize fines imposed by them,	„	IV.	
„ shall execute decrees of the Judges or Principal Sudder Ameens in appeals from their decisions, applications for such executions where to be made—Judge's decision in appeals from the orders of the Moonsiffs in such cases to be final, ...	„	V.	
„ the power of suspending—vested in Zillah Courts in the Madras Presidency,	VII.	XVI.	
„ in the Madras Presidency—Civil and Criminal actions under Clauses 1 and 2, Section VIII. Regulation VI. 1816			

as

	Act.	Section.	Clause.
	1843		
as extended by Section XIII., Regulation VIII. 1816 with respect to Sudder Ameens shall be brought before the Zillah Courts, ...	VII.	XXIII.	
Sudder Ameens may order execution of decisions passed by them, and issue all process relative to proceedings before them, and may realize fines, ...	„	XXV.	
„ at detached Stations may receive and dispose of Civil Suits within his jurisdiction without the intervention of the Zillah Judge, as also criminal cases sent by the Police, ...	„	XLVI.	
„ the Zillah Jail shall be under the—when the Subordinate Criminal Court is constituted according to Regulation VIII. of 1827, ...	„	XLVIII.	
„ When placed under Subordinate Criminal Court the Jail to be visited by,	„	XLIX.	
Sudder Dewanny Adawlut—How shall a single Judge of—act when of opinion that the decision appealed from should be reversed or altered—See Appeals.			
Sudr Udalut at Madras—appeals from orders of Zillah Courts to lie to, ...	„	IX.	
„ a single Judge of—competent to hold sittings and pass orders on all matters,	„	X.	1st.
„ He may confirm the decision of any inferior Court or refer it back to the Court the order of which is appealed against,.....	„	„	2d.
„ He may call for proceedings or explanations of the Lower Courts before deciding a case of appeal,.....	„	„	3d.

	Act.	Section.	Clause.
Sudr Udalut at Madras—He may stay the execution of the order of any inferior Court until the passing of a final decision,	VII.	X.	4th.
„ shall no longer be furnished by inferior Courts with translations of papers in cases of appeals, ...	„	XII.	
„ processes issued from the—under Sections 13 and 14, Regulation V. of 1802 to be directed to the Zillah Courts,...	„	XIII.	
„ Execution of the decrees of—may be referred by the Zillah Courts to the Subordinate Judges or Principal Sudder Ameens, ...	„	XIV.	
„ Processes issued by—by whom to be served, ...	„	XV.	
„ All parts of Regulation VI. of 1816, Madras Code, in which Provincial Court is mentioned, shall be applicable to, ...	„	XVII.	1st.
Sugar—refined and unrefined—rates of duty on—exported from the North Western Provinces of Bengal, ...	XIV.	II.	
„ imported into the said Provinces to be seized and confiscated,.....	„	VI.	
Suits—original—Principal Sudder Ameens shall be guided by what rules in the decision of, ...	VI.	I.	
„ original—pending before Provincial Courts of Appeal in the Madras Presidency on the date of their abolition, how to be disposed of,.....	VIII.		
Supreme Court may appoint the Registrar or any other Officer of such Court, to act as Trustee of any property subject			

to

	Act.	Section.	Clause.
	1845		
to Trust, when the Trustee of such property is incapable of acting as such —See Trustee.			
T.			
Thuggee—persons sentenced to imprisonment or transportation for—or Dacoity —by Courts within the Territories of Native States in alliance with the Company may be kept in custody within the Company's Territories—a Covenanted Officer of the Company to be one of the presiding Judges at the trial of such offenders, ... See Dacoity.	XVIII.		
Translations of papers in the Vernacular languages not required to be furnished by the inferior Courts in the Madras Presidency to the Sudr Udalut in appeal and other cases, ...	VII.	XII.	
Trustee—Supreme Court may appoint the Registrar or other Officer of such Court to act as official—in cases of trust property, when the Trustee is incapable of acting as such, ...	XVII.	I.	
„ the property how to be invested, and the Officer entitled to what commission,	„	II	
„ Supreme Court may make orders on petitions respecting such property or the interest thereof, ...	„	III.	
„ property may be re-transferred to the original or subsequently appointed Trustees, ...	„	IV.	

Trustee

	Act.	Section.	Clause.
	1863		
Trustee—Parties may pay to the official Trustee Gifts and Legacies due to Infants or Lunatics,	XVII.	V.	
„ Provisions of this Act except as regards the rate of commission, shall extend to any property of Infants or Lunatics in the hands of the Ecclesiastical Registrar,		VI.	
Twenty-four Pergunnahs—Law relating to the jurisdiction of Zillah—as regards persons residing in Calcutta, against whom suits have been instituted there, amended,	XXII.		
U.			
Uncovenanted Deputy Magistrates—Government of Bengal and North Western Provinces may appoint in any district one or more,	XV.	I.	
„ shall make a declaration before taking charge of office,	„	II.	
„ definition of duties and powers of,	„	III.	
„ Uncovenanted Officers in the Revenue and Judicial Department may hold the office of—with any other,	„	IV.	
„ not dismissible without the sanction of Government—Magistrates shall report to Government when a Deputy Magistrate is found disqualified, and the Government shall suspend or dismiss him as may be proper,	„	V.	
„ No native or natural born subject of Her Majesty within the Company's			

Territories

	Act.	Section.	Clause.
Territories, by reason of religion, place of birth, descent or color disabled from serving as Deputy Collector under Regulation IX. of 1833, ...	1833 XV.	VI.	
V.			
Vakeels in the Zillah Court in the Madras Presidency—See Courts.			
Vernacular language of the presiding Officer of the Company's Courts of Justice shall be used in writing his decisions—See decisions.			
Z.			
Zillah Courts—See Courts.			

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INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1844.

A.	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1844			
Act IX. George IV.—so much of—as respects the period of the execution of persons convicted of murder, shall cease to have effect in the East India Company's Territories. See Execution.	X.	I.	.....	H. M.'s Courts.
„ XXVII. of 1837—Section I. of—repealed.	XVI.	I.	.....	Bombay.
„ I. of 1838—Section XLIII. of—repealed, ... See Salt.	„	III.	.....	„
„ I. of 1838—so much of Schedule A of—as provides for the levy of a duty of 8 Annas per maund of Salt imported by Sea, and so much of Schedule B as permits such Salt to be exported free,—repealed, ...	„	V.	.....	„
Acts of Government of India as vest the Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Adawlut with control over Jails, Prisoners and Establishments, and places of banishment and transportation of prisoners, repealed,..	XVIII.	I.	.....	Presidency of Fort William.
See Regulations and Jails.				
Act XIV. of 1839, relating to the emigration of Natives from Calcutta, Madras and Bombay to Jamaica, British Guiana, and Trinidad, repealed,.....	XXI.	I.	.....	General.
See Emigration.				
Administration of the State of Colaba—See Colaba.				
Advances bonâ fide made to Agents intrusted with the possession of Goods or Documents of Title thereto, protected, and contracts made with such Agents to be binding upon Agents by the extension to the Company's Territories of Statute 5 and 6, Vict. Cap. 39,	XX.	I.	.....	H. M.'s Courts.
„ Bonâ fide Deposit of Goods made in exchange to such Agents to be considered as effectual as advances made in money, but in such case no lien shall be acquired beyond the value of the Goods given up, ...	„	II.		
„ The Statute to be construed to protect only transactions				

bonâ

	Act.	Section.	Clause.	Territorial Scope of the Acts.
bonâ fide without notice that the Agent pledging is acting without authority or malâ fide against the Owner,..... ..	1864 XX.	III.		
Advances. Meaning of the term "Document of Title"—when Agent to be deemed intrusted and when in possession of Goods, and what to be deemed a contract or agreement and advance. Possession prima facie evidence of intrusting, ...	"	IV.		
" Agent's Civil responsibility for breach of duty or contract not to be diminished, ...	"	V.		
" Agent making consignments, deposits, transfers or delivery of Goods contrary to instruction of principal, guilty of misdemeanor, as also persons assisting the Agent in such proceedings. The Agent not liable to prosecution if the deposits or transfers do not exceed the sums owing to the Agent by the Principal, ...	"	VI.		
" Owner may redeem Goods pledged by the Agent, or recover balance of proceeds from persons with whom they may have been pledged.				

In

	Act.	Section.	Clause.	Territorial Scope of the Acts.
In case of Bankruptcy or Insolvency of the Agent, owner to prove for amount paid to redeem, or for value of Goods if unredeemed, ...	1844 XX.	VII.		
Advances — Interpretation of terms used in this Act, ...	„	VIII.		
„ Not to affect contracts made before the passing of this Act,	„	IX.		
Agents—Bonâ fide advances made to—intrusted with Goods or Documents of Title thereto by owners thereof, protected—See Advances.				
Appeals to the Queen in Council—Expense of preparing copies in English of the proceedings in cases of—from the judgments of the Sudder Dewanny to be borne by the prosecuting parties, ...	II.	I.	.....	General.
Appeals not admissible till deposit within proper time of a sufficient sum for covering expence of making copies, ...	„	II.	.....	General.
„ Summary—may be received by Zillah or City Judges from orders of Principal Sudder Ameens or Sudder Ameens rejecting original suits instituted in their respective Courts.	IX.	IV.	.....	General.
See Principal Sudder Ameens and Sudder Ameens.				

Ballootee

	Act.	Section.	Clause.	Territorial Scope of the Acts.
B.				
	1844			
Ballootee Taxes—See Town Duties, ...	.....	.....	.....	Bombay.
Benares — withdrawal of the circulation of Trisoolee Pyce from the Province of—See Trisoolee Pyce.				
Bombay — State of Colaba placed under Agent to the Governor of. See Colaba.				
Bombay Marine—See Navy.				
British Guiana—Emigration of Natives of the Company's Territories to—See Emigration,	.....	.....	.....	General.
C.				
Carnatic—Privileges of the Nabob of the—the Nabob Regent, their respective families, dependants and retinue, protected, ... See Nabob.	.....	.....	.....	Madras.
Cesses upon Trades and Professions, ... See Town Duties.	.....	.....	.....	Bombay.
Colaba—State of—Placed under administration of an Agent to be appointed by the Governor of Bombay in Council, and its boundary defined,	XVII.	I.	.....	Bombay.
„ Governor in Council may prescribe rules for the guidance of the Agent and his				

subordinate

	Act.	Section.	Clause.	Territorial Scope of the Acts.
subordinate Officers and determine the judicial powers of the Agent in Civil and Criminal trials, ...	XVII.	II.	.....	Bombay.
Colaba—Foujdary Udalut to pass final judgment on trials referred by the Agent as in ordinary course, ...	„	III.	.....	„
„ Sudder Udalut to try Appeals from the Agent's decree in the same manner as Appeals from Zillah Courts, ...	„	IV.	.....	„
„ Portions of the lapsed Territory of—not included within the defined boundaries to be subject to the Laws and Regulations by which the portions of the Bombay Territories may be governed, to which such portions of the lapsed Territory may be contiguous, ...	„	V.		
Commissioners of Circuit relieved of their control and superintendence over Jails, Prisoners, &c.—See Jails.				
Copper Coins—See Trisoolce Pyce.				
Copper Coins—the issue of—of different weights regulated,	XXII.	I.	.....	General.
——— Such Pyce shall be legal tender for what value,	„	II.		
„ Those of weights mentioned in Section I. of this Act issued				

since

	Act.	Section.	Clause.	Territorial Scope of the Acts.
since Act XXI. of 1835, shall be legal tender for the value specified in Section II.,	XXII.	III.		
Copper Coins—shall not be legal tender but for fractions of a Rupee, ...	„	IV.		
Corporal punishment substituted for imprisonment in certain cases, ...	III.	I.	.....	Presidency of Fort William.
See Larceny.				
Cotton Manufactures and Silk and Cotton mixed with other material of Foreign produce—Import Duty on—modified,	XV.	.....	.....	General.
See Duty,				
Courts Martial in the Indian Navy—See Navy.				
Criminal Business — Dispatch of—facilitated in the Supreme Court at Calcutta—				
See Supreme Court.				
Customs Duties–Regulations of Madras Code imposing Transit or Inland—under the Madras Presidency, rescinded, ...	VI.	I.	.....	Madras.
„ Regulations of same Code imposing Sea Customs Duties, rescinded, ...	„	II.		
See Regulations.				
„ The foregoing not to prevent the levy of any Municipal Tax, or Toll on Bridges, Roads, Canals, Piers or Causeways, or any fee for Light Houses, ...	„	III.		

BENGAL SECRETARIAT LIBRARY

Custom

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Customs Duties—to be levied on Goods imported by Sea into the Presidency of Fort St. George, ...	VI.	IV.		
„ to be levied on Goods exported by Sea from ditto, ...	„	V.		
„ to be levied on Goods passing by Land into or out of Foreign European Settlements, adjacent to the Presidency of Fort St. George,	„	VI.		
„ The Governor in Council may declare by notice in the Gazette, the Territory of Native Chiefs, beyond the jurisdiction of the Courts to be Foreign, ...	„	VII.		
„ Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territory. Powers of Officers of such Chokees defined. Goods not to be allowed to pass without a Certificate of Duty paid in full,	„	VIII.		
„ The Governor in Council may appoint Officers to collect Duties and to grant Certificates of payments. If the Goods do not correspond with the Certificate what course to be adopted, ...	„	IX.		
„ The Appointment of Officers to receive—on the frontier to				

be

	Act.	Section.	Clause.	Territorial Scope of the Acts.
be notified in the Official Gazette. Such Officers shall grant Certificates on receipt of the proper Duty,.....	1846 VI.	X.		
Customs Duties—Certificates not to bear date more than thirty days before the arrival of the Goods. Certificates not used may be renewed, ...	„	XI.		
„ Routes by which Goods may cross the land frontier to be notified in the Official Gazette. Goods brought by other Routes liable to detention or confiscation, ...	„	XII.		
„ Goods crossing frontier clandestinely to be confiscated, ...	„	XIII.		
„ Penalty for Officer permitting Goods to cross the frontier without Certificate or by prohibited Route,.....	„	XIV.		
„ Penalty for a Chokee Officer needlessly injuring Goods or wrongfully detaining them,...	„	XV.		
„ Goods imported by Sea from Foreign European Settlements or Native States declared Foreign, to be liable to Duties leviable on Foreign Bottoms, ...	„	XVI.		
„ No Dutiable Goods entered in either of the Schedules of this Act to be exempted unless under special order of				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Government. Customs Collectors may pass free any baggage in actual use,.....	1846. VI.	XVII.		
Customs Duties—Under what circumstances Goods may be imported duty free from any other Madras Port, ...	„	XVIII.		
„ Credit may be given at any Madras Port for duties paid at any other British Indian Port on Goods imported from thence, ...	„	XIX.		
„ Governor in Council to notify from time to time in the Official Gazette, the valuation of Articles liable to ad valorem Duty, ...	„	XX.		
„ When no value has been fixed or declared on any Goods passed for importation and exportation Duty to be levied according to the Market value, ...	„	XXI.		
„ The market value on ad valorem Goods how and by whom to be declared. Written applications to be made for the passing of Goods. What the application to contain, ...	„	XXII.		
„ Declaration of Market value to be submitted to Appraising Officer who shall countersign it if correct. The Collector may purchase under-				

valued

	Act.	Section	Clause.	Territorial Scope of the Acts.
valued Goods at the price declared, ...	1844 VI.	XXIII.		
Customs Duties—Government to notify in the Official Gazette the Ports for landing and shipping Merchandize; Goods landing at other Ports to be confiscated, ...	"	XXIV.		
" Manifests of Cargo to be sent in by Masters of Vessels on arrival. The Governor in Council may appoint places beyond which no inward bound Vessel, excepting certain Country Craft, shall pass until the Master has forwarded the Manifest of Cargo, ...	"	XXV.		
" Penalty for a Master delivering a Manifest not containing a full and true specification of Cargo and for Goods found on board in excess of the Manifest or differing in any respect from the specification in the Manifest, ...	"	XXVI.		
" Masters of inward bound Vessels remaining outside of the places fixed, shall deliver Manifests to the proper person first coming on board. Penalty for the Master refusing to deliver a Manifest, ...	"	XXVII.		

Customs

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Customs Duties—No Vessel to break bulk until the Collector of Customs has received Ship's papers, ...	1824 VI.	XXVIII.		
„ Goods moved from or put on board of any Vessel without due entry previously made in the Custom House, or permission given for discharge of Cargo, to be seized as contraband. Goods attempted to be landed or put on board in contravention of this Act how to be dealt with,.....	„	XXIX.		
„ Penalty on Masters if Cargo do not correspond with their Manifest, or if Goods sent out of the Vessel be not landed at the prescribed places. Provision for the amendment of obvious errors in Manifest of Cargo,.....	„	XXX.		
„ One or more places in every Port to be appointed for the landing and shipment of Goods. Goods landing at or shipping from any other place without special permission to be confiscated, ...	„	XXXI.		
„ The Governor in Council may license Boats for landing or shipping Merchandize after Notification: Goods				

found

	Act.	Section.	Clause.	Territorial Scope of the Acts.
found on any other Boats except under special permit to be liable to confiscation,...	1844 VI.	XXXII.		
Customs Duties—After Notification the Collector may station Customs Officers on board of any Vessel, ...		XXXIII.		
„ Penalty for the Master of a Vessel refusing to receive and accommodate such Officer, ...	„	XXXIV.		
„ Collectors of Customs may issue warrant to search any Vessel. Powers of an Officer bearing such warrant. Penalty for any Master of a Vessel resisting Officer with warrant for search, ...	„	XXXV.		
„ Penalty for a Master removing or putting on board Goods between sunset and sunrise, or when the Custom House is closed, without leave from Collector, ...	„	XXXVI.		
„ Export Cargo Boats without permits not allowed to lie alongside Vessels on which Customs Officers are stationed—Goods on such Boats not covered by a Pass to be liable to confiscation, ...	„	XXXVII.		
„ In the removal of Goods from on board any Vessel a Boat Note to be sent with each separate dispatch. Goods liable				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
to confiscation if found without a Boat Note, or out of the track between the Vessel and the proper place of landing,	VI.	XXXVIII.		
Customs Duties—Goods brought to be passed through Custom House for importation or exportation if not corresponding with the description in the application liable to confiscation, ...	„	XXXIX.		
„ Goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the Custom House, ...	„	XL.		
„ Collector of Customs may require Goods in bulk to be weighed or measured before landing, and levy duty accordingly, ...	„	XLI.		
„ Rescinding Clause 2, Section 11. Regulation I. of 1805 of the Madras Code, ...	„	XLII.		
„ Fixing the price to be paid for Salt within the Madras Presidency, ...	„	XLIII.		
„ The Governor General in Council may grant a remission of this price, ...	„	XLIV.		
„ Salt having paid the Home consumption. price may be landed free at any other Madras Port under Certificate,	„	XLV.		

Customs

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Customs Duties—Limited period allowed for discharge of Import Cargo of Vessel on which Customs Officer may be stationed, ...	VI.	XLVI.		
„ Period limited for discharging Cargo from any Vessel without a Customs Officer on board. Goods remaining on board after the period allowed to be landed and warehoused by order of Customs Collector, who, with consent of Master of Vessel, may cause packages to be deposited in the Government Warehouses, and may sell Goods if not cleared within the period specified,.....	„	XLVII.		
„ Period limited for putting Export Cargo on board, ...	„	XLVIII.		
„ Penalty for putting Goods on board a Vessel after Customs Officer's removal therefrom, and before one has again been placed thereon, ...	„	XLIX.		
„ A Port Clearance to be granted to the Master of every Vessel on Certificate of all public demands against him having been satisfied, ...	„	L.		
„ Rules for levying Duty on Goods passed through Custom				

House

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1845			
House for shipment after grant of Port Clearance, ...	VI.	LI.		
Customs Duties — Cargo of Vessels putting back from stress of weather or damage, and compelled to reland Cargo, to be taken charge of by Customs Officers, and lodged in such place as the Collector may direct. Such Cargo may be landed as imported Goods, the Export Duty being refunded. Penalty for a Master putting back into Port without Goods on which Drawback has been allowed,.....	"	LII.		
" On Goods relanded before the lading is complete to be refunded but not after grant of Port Clearance unless the Vessel has put back, ...	"	LIII.		
" Penalty on Coasting and Country Craft for contravening such Rules as Governor in Council may lay down for their regulation,.....	"	LIV.		
" Specification of Native Craft to be treated like Coasting Craft of the British Territories, ...	"	LV.		
" No Drawback allowed on Goods shipped on such Native Craft,.....	"	LVI.		

Customs

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Customs Duties—Goods re-exported in the same Vessel not subject to Duty, which to be levied on transhipped Goods as if they had been landed and re-exported, ...	VI.	LVII.		
„ Goods liable to confiscation if transhipped without special licence from Collector, ...	„	LVIII.		
„ Customs Officers to superintend transhipment, ...	„	LIX.		
„ The Collector competent to adjudge confiscations,.....	„	LX.		
„ The Collector may exact payment of fine by refusing grant of Port Clearance, ...	„	LXI.		
„ Empowering Collectors of Customs to decide upon cases of seizure and to adjudge damages; to mitigate penalty of confiscation to the extent of duty, and to distribute part proceeds of sale of confiscated Goods in rewards among seizing Officers, ...	„	LXII.		
„ All Officers of Customs amenable to the Civil Courts, for damages on account of any executive acts. No suits shall lie against Collectors or other Officers for judicial award in matter of Customs, ...	„	LXIII.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Customs Duties—Penalty for obstructing Customs Officers in the exercise of their powers, ...	VI.	LXIV.		
„ Penalty for Customs Officer receiving consideration for doing or for bearing to do any official act, ...	„	LXV.		
„ Penalty for a Customs Officer concerned in defrauding the Customs Revenue, ...	„	LXVI.		
„ Penalty for exacting Customs or Duties without authority, as a Customs Officer, ...	„	LXVII.		
„ Governor in Council may transfer the powers of Collector of Customs to any other Officer, and may make rules and appoint Officers to carry this Act into effect, and fix rates for Wharfage and rent, ...	„	LXVIII.		
„ Schedudes A. to C.				
Customs Duty on Cotton or Silk Manufactures and Silk and Cotton mixed with any other material.—See Duty,	.....	.....	.....	General.
D.				
Dacoits—Regulation IX. of of 1808 of the Bengal Code relating to Sirdars of Gangs of—repealed, ...	IV.	.....	.....	Presidency of Fort William.

Duties

	Act.	Section.	Claues.	Territorial Scope of the Acts.
Duties—Town—within Bombay Presidency abolished—See Town Duties.	1844			
Duty—rates of—levied under Article 17, Schedule A. in Act XIV. of 1836, Article 18 of Schedule A. in Act I. of 1838, and Article 19 of Schedule A. in Act VI. of 1844, how to be hereafter charged on the Import of all Foreign Manufactures of Silk or Cotton and of Silk and Cotton mixed with any other material, ...	XV.	.....	.....	General.
Duty (Customs) Transit or Inland—abolished within the Madras Presidency—See Customs Duties.				
„ on Imports and Exports by Sea within the Madras Presidency—See Customs Duties.				
„ or Salt manufactured within on imported by Sea into the Bombay Presidency—See Salt.				
E.				
Emigration of Natives—Act XIV. of 1839 repealed, except as it relates to ports other than Calcutta, Madras and Bombay, and to Emigrants				

proceeding

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1844			
proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius, ...	XXI.	I.	.....	General.
Emigration—Emigrants may be conveyed to Jamaica, British Guiana and Trinidad from the Ports of Calcutta, Madras and Bombay, ...	"	II.		
" Governments of the several Presidencies may authorize persons nominated by the Governments of Jamaica, British Guiana or Trinidad to act as Emigration Agents, who shall make monthly Reports to the Governments to which they are subordinate,.....	"	III.		
" Governments of the several Presidencies may nominate persons to act as Protector of Emigrants, ...	"	IV.		
" Emigrants shall not be conveyed without a License from Government. What fee to be levied per Emigrant. Masters of Ships carrying Emigrants how to be bound over—Penalty for conveying Emigrants without a License,	"	V.		
" No Licensed Vessels shall receive on board Emigrants without a pass from the Emigration Agent, ...	"	VI.		

Emigration

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Emigration—A Certificate from the Agent containing certain particulars necessary before the clearing out of Ships carrying Emigrants,	XXI.	VII.		
„ Probable lengths of Voyages of Ships from Calcutta, Madras and Bombay to Jamaica, British Guiana and Trinidad,	„	VIII.		
„ Masters of Ships to deliver to the Agent before clearing out a list of the kind indicated and to obtain a duplicate thereof,	„	IX.		
„ Penalty for Masters clearing their Ships having Emigrants on board without complying with the particulars before mentioned,	„	X.		
„ Penalty for Masters of Ships taking on board after clearance, Emigrants whose names are not entered in the lists aforesaid,	„	XI.		
„ Penalty for Masters of Ships cleared for Jamaica, British Guiana or Trinidad, committing acts by which the Certificate obtained by them becomes inapplicable to the altered state of the Ship or Passengers or other matters,	„	XII.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Emigration—Powers vested by Law in Customs Officers to be exercised by them for the prevention of illegal embarkation of Emigrants and other offences. Pilots vested with the same powers as Preventive Officers of Customs in this behalf, ...	1844 XXI.	XIII.		
„ Attempts by unfair means to export Natives how punishable, ...	„	XIV.		
„ Duties required of the Preventive Officer of Customs and Pilot on board Vessels cleared from Calcutta for Jamaica, British Guiana and Trinidad, in order to prevent embarkation of additional Emigrants. Penalty for Customs Officers and Pilots making improper reports or conniving at the unauthorized conveyance of Emigrants, ...	„	XV.		
„ Forgery of Documents required by this Act how punishable, ...	„	XVI.		
„ Penalties how to be enforced from Masters of Ships, ...	„	XVII.		
Articles of Schedule in Act XXI of 1844.				
„ 1. Emigration Agents by whom to be appointed.				

Emigration

	Act.	Section	Clause.	Territorial Scope of the Acts.
Emigration—2. Agents how to be remunerated.				
„ 3. Agents to see that no Laborers are induced to emigrate by fraud, false or unreasonable expectation, and that they are aware of the distance of their destination.				
„ 4. Number of Passengers how to be proportioned to the Tonnage of Vessels. Particular accommodations requisite in such Vessels.				
„ 5. Number of Passengers how to be computed as regards children.				
„ 6. Ships how to be supplied with Provisions and Water for the consumption of the Passengers.				
„ 7 Provisions and Water to be surveyed by a competent person both as to quality and quantity, as also the quality of the Vessel.				
„ 8. Masters to supply Provisions to Emigrants and their families during the voyage and for a space of 48 hours after the Vessel's arrival at her destination.				
„ 9. Masters of Ships to be supplied with two copies of these Regulations: one of				

which

	Act.	Section.	Clause.	Territorial Scope of the Acts.
which to be produced to any Passenger requesting it for perusal.	1844			
Emigration—10. The Master to deliver to the Agent a list in duplicate, with certain particulars respecting the Emigrants, the counterpart of which to be made over to the Master, who shall deliver it to the Protector of Emigrants on arrival at the Vessel's destination.				
„ 11. These Regulations not to apply to Ships in the Service of the Lords Commissioners of the Admiralty, or Her Majesty's Ships of War.				
Equity—Evidence in cases of—See Evidence.				
Evidence—Incapacity of Witnesses from Crime or interest no bar to give—in any Civil or Criminal actions in Her Majesty's Courts. This Act not to repeal any Provisions in Act XXV. of 1838. Defendants or Co-defendants in any cause in Equity may be examined as a Witness on the behalf of the Plaintiff, ..	VII.	I.	.....	H. M.'s Courts.
„ This Act not to affect any suit, action or proceeding commenced before its passing,	„	II.		

Excise

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Excise Duty on Salts manufactured within the Bombay Presidency—See Salt.				
Execution of persons convicted of Murder in Her Majesty's Courts—Law respecting the period of—Amended,..... See Acts.	X.	I.	.....	H. M.'s Courts.
„ Sentence of death may be pronounced after conviction for murder by any of the Judges of Her Majesty's Courts in the same manner as after convictions for other Capital Offences, ...	„	II.		
Exports by Sea from the Presidency of Fort St. George. —See Customs Duties.				
F.				
Followers of the East India Company's Forces imprisoned under sentence of a Court Martial. The Governor or Governor in Council of any Presidency may order the removal of—from one Prison to another within the Presidency under his Government, to undergo the remainder of his Sentence,... See Native Officers and Soldiers.	VIII.	.....	.....	General.

	Act.	Section.	Clause.	Territorial Scope of the Acts.
G.				
Gang Robbery—Regulation IX of 1808 of the Bengal Code relating to, repealed, ...	IV.	.....	.....	Presidency of Fort William.
I.				
Import Duty on Foreign Manufactures of Silk and Cotton, or of Cotton and Silk mixed with any other materials, modified, ... See Duty.	XV.	.....	.....	General.
Import of Goods by Sea into the Madras Presidency—See Customs Duties.				
Import Duty on Salt within the Bombay Presidency—See Salt.				
Imprisonment for life—Offenders sentenced to—to be also sentenced to transportation beyond Sea for life—See Sudder Courts.				
Indian Navy—better observance of discipline in the—See Navy.				
Inland Customs Duties under the Madras Presidency—abolished, ... See Regulations.	VI.	I.	.....	Madras.

Jails

	Act.	Section.	Clause.	Territorial Scope of the Acts.
J.				
Jails—Regulations of the Bengal Code or Acts of the Government of India, vesting Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut, with control over—Prisoners and Establishments thereof—and the places of banishment or transportation of Prisoners, repealed, ...	XVIII.	I.	.....	Presidency of Fort William.
„ The whole of the said control vested in Magistrates and Joint Magistrates acting under instructions of the Zillah and City Judges, and subject to orders of their respective local Governments, ...	„	II.		
„ Removal of Native Officers, Soldiers and Followers sentenced to imprisonment from one Prison to another—See Native Officers.				
Jamaica—Emigration of Natives of the East Indies to—See Emigration.				
Judges of Circuit—Acts and Regulations vesting — with control over Jails within the Presidency of Fort William				

the

	Act.	Section.	Clause.	Territorial Scope of the Acts.
the prisoners therein, &c., repealed—See Jails.	1864			
K.				
Kusub Veeras—See Town Duties, ...	.....	.....	.....	Bombay.
L.				
Larceny—(petty)—In cases of — Corporal Punishment substituted for imprisonment,	III.	I.	.....	Presidency of Fort William.
„ Offenders of tender age corporally punishable for thefts in the way of School discipline, ...	„	II.		
„ Females exempted from corporal punishment. No other punishment to be superadded to corporal punishment, ...	„	III.		
Law of Evidence in Her Majesty's Courts improved—See Evidence.				
Lotteries not authorized by Government declared illegal,	V.	I.	.....	General.
„ Persons how punishable for drawing such,.....	„	II.		
„ Persons how punishable for encouraging, or publishing proposals for or being implicated in such, ...	„	III.		
„ Fines incurred under this Act how disposable,.....	„	IV.		

Madras

	Act.	Section.	Clause.	Territorial Scope of the Acts.
M.	1844			
Madras—abolition of Transit and Inland Customs, and revision of Import and Export Customs Duties at — See Customs.				
Marines in the Indian Navy —See Navy.				
Mohturfas—See Town Duties.				
Mookauts—upon Trades and Professions within the Bombay Presidency, abolished, ... See Town Duties.	.....	.....	.....	Bombay.
Murder—Execution of persons convicted of—in Her Majesty's Courts in India—See Execution.				
N.				
Nabob of the Carnatic—Family, Household and Retinue of the—protected from liability to Civil and Criminal process. Lists of the persons belonging to the Family, Household and Retinue of the Nabob or Nabob Regent to be published from time to time,.....	I.	I.	.....	Madras.
„ Writ or Process sued forth against the person or property of the—or of the Nabob				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Regent, or of any person named in the list last published shall be null and void, unless the Writ be sued forth with the consent of the Governor in Council,.....	1Sth I.	II.	.....	Madras.
Nabob of the Carnatic—Lists to be furnished from time to time to the Governor General in Council, and the Gover in Council shall follow directions he may receive from the former respecting the persons included in such lists and matters subject to this Act,.....	„	III.		
„ This Act not to interfere with any privilege conferred on the—the Nabob Regent, their respective Families, &c. &c. by the Treaty with the Nabob, ...	„	IV.		
Native Officers or Soldiers or Followers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial—Governor or Governor in Council of any Presidency may order the removal of any—from one Prison to another within the Presidency of his Government to undergo the remainder of his sentence, ...	VIII.	.....	.....	General.

Navy

	Act.	Section	Clause.	Territorial Scope of the Acts.
Navy—Indian—Discipline of—improved, ...	XII.	I.	.....	Bombay.
„ Divine Service according to the Liturgy of the Church of England to be performed in all Ships of War of the Company, and the Lord's Day to be observed,.....	„	„	1.	
„ Persons belonging to the—guilty of profane oaths, cursing, execrations, uncleanliness or other scandalous actions, how punishable, ...	„	„	2.	
„ Persons giving or holding intelligence to, or with any Enemy or Rebel without leave from proper authorities, how punishable,.....	„	„	3.	
„ Persons not acquainting their Superior Officers within 12 hours with any letter or message received by them from any Enemy or Rebel, and the Superior Officers not revealing the same to the Officer Commanding in Chief —within convenient time, how punishable,.....	„	„	4.	
„ Spies found within the Company's Territories with any Seducing Letters or Messages from any Enemy or Rebel, or endeavouring to corrupt any person belonging to—how punishable, ...	„	„	5.	

Navy

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Navy—Indian—Penalty for persons belonging to—relieving an Enemy or Rebel, with Money, Victuals, Powder, Shots, Ammunition or any other Supplies, ...	18 & 19 XII.	I.	6.	
„ Penalty for persons not delivering entirely and without fraud to the Court of Admiralty, or other Court of Commissioners, Papers, Charter Parties, Bills of Lading, Passports and other Writings seized in any Ship taken as prize, ...	„	„	7.	
„ Penalty for persons taking out of any Ship seized for Prize, any Money, Plate or Goods, except for certain objects, before the same be adjudged lawful prize, ...	„	„	8.	
„ Penalty for persons ill using or robbing Officers, Marines or others in Ships taken as prize, ...	„	„	9.	
„ Penalty for Superior Officers belonging to—not making preparations or encouraging the inferior Officers to fight upon signal or order or upon likelihood of engagement; and for persons yielding or crying for quarter, ...	„	„	10.	
„ Persons not obeying the orders of their Superior Officers,				

or

	Act.	Section.	Clause.	Territorial Scope of the Acts.
or using endeavours for assailing or making defence against any Fleet or Ship how punishable, ...	1844 XII.	I.	11.	
Navy—Indian — Persons who through cowardice, negligence or disaffection shall not perform their duty in time of action in taking or assisting Ships how punishable, ...	„	„	12.	
„ Penalty for persons not pursuing the chase of any Enemy, Pirate or Rebel, or relieving a known friend in view through cowardice, negligence or disaffection, ...	„	„	13.	
„ Penalty for persons delaying or discouraging others in action upon pretence of arrears of wages or any other pretence, ...	„	„	14.	
„ Penalty for persons deserting to any Enemy, Pirate or Rebel, or running away with or yielding up Ships, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, ...	„	„	15.	
„ Persons deserting or enticing others to desert how punishable. Penalty for Commanding Officers of Company's Ships of War, receiving Deserters from any other Ship				

of

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1824.			
of Her Majesty or the Company, and not giving notice thereof to the Captain of the Ship to which such Deserter belongs or to the Government or the Officer Commanding in Chief, ...	XII.	I.	16.	
Navy — Indian — Penalty for Officers and Seamen of Ships appointed for Convoy and Guard of Merchant Ships, not defending the Ships and Goods in their Convoy — or exacting any Money for Convoying of any Ships, or misusing Masters or Mariners thereof, ...	"	"	17.	
" Penalty for Captains or other Officers receiving on board any Goods or Merchandize than for the use of their Ships, except Gold, Silver, or Jewels, or Goods from wrecks, ...	"	"	18.	
" Penalty for persons making any mutinous assembly or uttering any words of sedition or mutiny—also for persons behaving with contempt to their Superior Officers, ...	"	"	19.	
" Penalty for persons concealing any transactions or mutinous practice or design, and any traitorous or mutinous				

words

	Act.	Section.	Clause.	Territorial Scope of the Acts.
words spoken by any or any design tending to Her Majesty's prejudice,—also for persons not endeavouring to suppress any mutiny or sedition, ...	XII.	I.	20.	
Navy — Indian — Penalty for persons stirring up a disturbance upon a pretence of unwholesome victuals, ...	"	"	21.	
" Penalty for persons striking or lifting up weapons against their Superior Officers in the execution of their office, or quarrelling with or disobeying any command of their Superior Officers, ...	"	"	22.	
" Penalty for persons quarrelling or fighting with others or using provoking language or gestures, ...	"	"	23.	
" Penalty for embezzlement or wasteful expense of Powder, Ammunition or other Stores,	"	"	24.	
" Penalty for persons setting fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy, or Vessel, &c. &c. not appertaining to any Enemy, Pirate or Rebel, ...	"	"	25.	
" Penalty for Vessels stranded or run upon rocks or sands, or split or hazarded through wilful negligence or other defaults, ...	"	"	26.	

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Navy—Indian—Penalty for persons sleeping upon their watch, or negligently performing their duty or forsaking their Station, ...	XII.	I.	27.	
„ Murders committed by persons belonging to—punishable with death,.....	„	„	28.	
„ Penalty for persons committing unnatural crimes with man or beast, ...	„	„	29.	
„ Penalty for committing robbery,.....	„	„	30.	
„ Penalty for persons making or signing a false muster or musterbook, or commanding, counselling, procuring, or aiding or abetting the making or signing thereof, ...	„	„	31.	
„ Penalty for persons refusing to apprehend any Criminal, or to receive or keep any prisoner or suffering him to escape,—Captains, Officers and others shall endeavour to detect, apprehend and bring to punishment all offenders upon pain of being punished by a Court Martial,..	„	„	32.	
„ Penalty for a Superior Officer, Captain or Commander, or Lieutenant, convicted of behaving in certain respects in a manner unbecoming the character of an Officer, ...	„	„	33.	

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Navy — Indian — Persons in actual service and full pay guilty of Mutiny, Desertion or Disobedience to lawful commands in any part of the Company's Territories on shore, how punishable, ...	XII.	I.	34.	
„ Persons in actual service and full pay committing upon shore out of the Company's Territories any of the crimes punishable by these Articles, how to be tried and punished, ...	„	I.	35.	
„ Period of imprisonment of persons convicted of any offence limited to two years,	„	II.		
„ Local jurisdiction of Courts Martial constituted under this Act for punishing or trying offences, defined, ...	„	III.		
„ Courts Martial not to punish or try any Land Officer or Soldier on board any Transport Ship, ...	„	IV.		
„ Governor General and Governors in Council may grant Commissions to Officers Commanding in Chief to call and assemble Courts Martial, and the same how to be constituted, ...	„	V.	.....	General.
„ No Commander in Chief of any Fleet or Squadron con-				

sisting

	Act.	Section.	Clause.	Territorial Scope of the Acts.
sisting of more than five Ships shall preside at any Court Martial, but the Officer next in command shall, ...	1844 XII.	VI.		
Navy — Indian — The Senior Officer of three or more Ships in any foreign parts, not under rank of a Commander, may hold and preside over Courts Martial, ...	"	VII.		
" In case of its being objectionable for the person next in command to the Senior Officer or Commander in Chief of any Fleet or Foreign parts, to hold or preside over Courts Martial, the third Officer in command may supply his place, ...	"	VIII.		
" Courts Martial to compose of what number of Officers, ...	"	IX.		
" Form of Oath to be taken by Members of the Courts Martial and the same by whom to be administered, ...	"	X.		
" Penalty for persons refusing to give evidence or prevaricate therein or behave with contempt to a Court Martial. Persons committing perjury or subornation of perjury to be prosecuted in Her Majesty's Courts by indictment or information.	"	XI.		

Navy

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Navy—Indian — Informations or Indictments how to be prosecuted for any such Offence,	XII.	XII.		
„ Sentence of death by any Court Martial not to be executed until receipt of directions from the Governor General in Council upon Report of the Courts proceedings, ...	„	XIII.		
„ Judge Advocate or Deputy may administer oaths to witnesses. In their absence the Court may appoint any person to act,.....	„	XIV.		
„ Act to remain in force with respect to Crews of Ships wrecked or lost, and the Officers to retain their authority till discharged or removed to some other Ships or a Court of Enquiry shall have been held. Pay and Wages of the Officers to be disbursed to them if the result of the enquiry be satisfactory. Persons acting contrary to the discipline of the Indian Navy after the loss of the Ship how punishable, ...	„	XV.		
„ Payment of allowances of Officers and Seamen of Ships taken by the Enemy how to be regulated, ...	„	XVI.		

Navy

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Navy—Indian—No person not flying from justice to be tried or punished by a Court Martial without order of the Governor General in Council or Governor in Council, or any Officer who may order a Court Martial, and that within specified time after the commission of the offence for which he is to be tried, ...	1844 XII.	XVII.	.....	General.
„ Act not to interfere with the Queen's Admiralty Power, Jurisdiction or Authority within her Dominion, ...	„	XVIII.		
„ Absence of Members of Courts Martial not to delay its proceedings if sufficient number remain to compose a Court—Penalty for Members absenting from such Courts, ...	„	XIX.		
O.				
Offenders corporally punishable for thefts—See Larceny.				
„ of tender age ditto ditto—See Larceny.				
Officers in the Indian Navy—See Navy.				

Petty

	Act.	Section.	Clause.	Territorial Scope of the Acts.
P.				
Petty Larceny—(See Larceny.)				
Principal Sudder Ameen or Sudder Ameen—Suits cognizable by—to be instituted in their respective Courts, ...	IX.	I.	.....	General.
„ Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court under him,	„	II.		
„ Jurisdiction of—may be defined by the Zillah or City Judge,.....	„	III.		
„ Zillah or City Judge may receive Summary Appeal from orders of—rejecting original suits cognizable by them, ...	„	IV.		
„ The same Stamps to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by him, ...	„	V.		
See Sudder Ameens.				
Prisoners sentenced by the Sudder Courts to imprisonment for life shall at the same time be sentenced to transportation beyond Sea for life, ...	XIV.	.....	.....	General.
See Sudder Courts.				
Prisons—Removal of Native Officers, Soldiers and Followers imprisoned under sentence				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
of a Court Martial from one prison to another—See Native Officers.				
Process—Civil and Criminal—against the person or property of the Nabob of the Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue—the issue of restricted—See Nabob.				
Pyce — (See Copper Coin.)				
Pyce, Trisoolee—(See Trisoolee.)				
R.				
Regulation II. of 1834 of the Bengal Code—Clause 1, Section II. of—modified, ...	II.	.....	.....	Presidency of Fort William.
„ IX. of 1808 of the Bengal Code—repealed.	IV.	.....	.....	Ditto.
„ X. of 1803, I. III. and VI. of 1812—III. of 1821 and all Regulations of the Madras Code imposing Inland or Transit Duties, repealed, ...	VI.	I.	.....	Madras.
„ IX. of 1803, excepting Sections 55 to 70; XI. of 1803; XIV. of 1808; XV. of 1808, excepting Section 5; II. of 1812, excepting Sections 15 and 17; IV. of 1812, and such parts of Regulation I. of 1813 of the Madras Code as relate to Duty and Drawback				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
on. Spirituous Liquors imported or exported by Sea; also Regulation II. of 1816, II. of 1818, III. of 1818, IV. of 1819 and VII. of 1819, and all Regulations of the Madras Code for fixing Duty on imports or exports by Sea or Drawback payable on the same, repealed,	VI.	II.		
Regulation I of 1805 of the Madras Code—Clause 2, Section XI of—repealed.....	„	XLII.		
Regulations of the Bengal Code, as vest the Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut with control over Jails, Prisoners and Establishments and places of banishment or transportation of Prisoners, repealed,.....	XVIII.	I.		
See Jails and Acts.				
S.				
Salt—Fixing the price to be paid for—manufactured and sold within the Madras Presidency, ...	VI.	XLIII.	.....	Madras.
„ The Governor General in Council may grant a remission of the price of, ...	„	XLIV.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
Salt—having paid the Home Consumption price may be landed free at any other Madras Port under Certificate, ...	1844 VI.	XLV.		
„ Manufactured within or imported into the Bombay Presidency—Section 1, of Act 27 of 1837 relating to—repealed from 1st September 1844, ...	XVI.	I.	.....	Bombay.
„ A Duty of One Company's Rupee to be paid on every maund of Salt delivered from any Salt work within the Bombay Presidency, ...	„	II.		
„ Section 43, Act I. of 1838 repealed, ...	„	III.		
„ Covered by Certificate of payment of excise duty on export thereof may be landed at any Port of the Bombay Presidency, and allowed to pass free into the interior, ...	„	IV.		
„ Repealing so much of Schedule A. in Act 1 of 1838 as provides for the levy of a duty of 8 Annas per maund of Salt imported by Sea and so much of Schedule B. in the said Act which permits such Salt to be exported free,	„	V.		
„ imported by Sea and not covered by a pass to pay a duty of One Rupee per maund,				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
and Salt having paid the the excise duty at the same rate may be exported free, ...	XVI.	VI.		
Seamen in the Company's Navy —See Navy.				
Silk Manufactures and Silk and Cotton mixed with other material of Foreign produce —Import Duty on—modified—See Duty.				
Sirdars of Gangs of Dacoits—Regulation IX of 1808 of the Bengal Code relating to —repealed, ...	IV.	.....	.....	Presidency of Fort William.
Soldiers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial—Governor or Governor in Council of any Presidency may order the removal of any—from one prison to another within the Presidency of his Government, to undergo the remainder of his sentence,..... See Native Officers and Followers.	VIII.	.....	.....	General.
Statute 5 and 6, Vict. Cap. 39 with alterations extended to the East India Company's Territories — See Advances and Agents.				
Sudder Ameens—Suits cognizable by—to be instituted in their own Courts, ...	IX.	I.	.....	General.

	Act.	Section.	Clause	Territorial Scope of the Acts.
Sudder Ameens—Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court under him, ...	IX.	II.		
Jurisdiction of—may be defined by Zillah or City Judge,	„	III.		
Zillah or City Judge may receive Summary Appeals from orders of—rejecting any original suits cognizable by them, ...	„	IV.		
The same Stamp to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by,.....	„	V.		
See Principal Sudder Ameens.				
Sudder Courts sentencing any offender to imprisonment for life shall at the same time sentence him to transportation beyond Sea for life, unless the prisoner is not a proper subject of transportation, ...	XIV.	I.	.....	General.
„ A single Judge may sentence offenders to transportation for life who may have been sentenced or recommended by the Commissioner of Circuit or Session Judge to imprisonment for life,.....	„	II.		
Sudder Nizamut Adawlut relieved of their control and				

superintendence

	Act.	Section.	Clause.	Territorial Scope of the Acts.
superintendence over Jails, Prisoners, &c.—See Jails.				
Suits cognizable by Principal Sudder Ameen or Sudder Ameen—See Principal Sudder and Sudder Ameen.				
Superintendents of Police relieved of their control over Jails and Prisoners—See Jails.				
Supreme Court at Calcutta—any one of the Judges of the —may sit apart from the other Judges for the dispatch of Criminal Business at the same time when the other Judges shall be sitting for the dispatch of business, ...	XI.	I.	.....	Calcutta.
„ may transact out of Term all Business which the Court may have power to transact in Term, ...	„	II.		
T.				
Taxes upon Trades and Professions, ... See Town Duties.	.....	.....	.....	Bombay.
Tender aged offenders, how punishable for thefts—See Larceny.				
Term — Supreme Court at Calcutta may transact all business out of — which it				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
may have power to transact in Term—See Supreme Court.	/Sheet			
Thefts how punishable—See Larceny.				
Town Duties—Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades and Professions within the Bombay Presidency—abolished, ...	XIX.	.....	.....	Bombay.
Transit Duties under the Madras Presidency abolished, ...	VI.	I.	.....	Madras.
Transportation beyond Sea for life—Prisoners sentenced by Sudder Courts to imprisonment for life—shall at the same time be sentenced to,... See Sudder Courts.	XIV.	.....	.....	General.
Trinidad—Emigration of Natives of East Indies to—See Emigration.				
Trisoolee Pycé shall cease to be a legal tender within the Province of Benares from 1st August 1844, ...	XIII.	I.	.....	North Western Provinces.
„ shall be received until the above date on account of Government and exchanged by tale at Treasuries within the said Province,.....	„	II.		
„ Lieutenant Governor to notify the Treasuries within the said Province where such shall be received and				

exchanged

	Act.	Section.	Clause.	Territorial Scope of the Acts.
exchanged and to make rules for the prevention of fraud,	XIII.	III.		
Trisoolee Pyce—For every 64 One Company's Rupee may be given in exchange,.....	"	IV.		
W.				
Witnesses—incapacity of—to give evidence in cases before Her Majesty's Courts removed in certain cases—See Evidence.				
Writs against the Nabob of Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue, the issue of—restricted—See Nabob.				

Calcutta, 1841.—Printed at the Bengal Military Orphan Press, by G. H. Hutt ann